

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, शनिवार, नवम्बर 30, 1968/अग्राहायण 9, 1890
 No 48] NEW DELHI, SATURDAY, NOVEMBER 30, 1968/AGRAHAYANA 9, 1890

इस भाग में भिन्न वृष्ट संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

सूचना **NOTICE**

नीचे लिखे भारत के असाधारण राजपत्र 12 नवम्बर, 1968 तक प्रकाशित किये गये ---
 The undermentioned Gazettes of India Extraordinary were published up to the 12th November, 1968 :—

Issue No.	No. and Date	Issued by	Subject
403	S.O. 3798, dated October, 1968.	25th Election Commission of India.	Amendments in notification No. 3-6-68(1) dated the 18th March, 1968.
404	S.O. 3799, dated October, 1968.	25th Do.	Amendment in notification No. 56/68—VIII (S.O. 2960), dated the 31st August, 1968.
405	S.O. 3800, dated October, 1968.	25th Ministry of Health, Family Planning and Urban Development.	Declaring influenza to be an infectious disease under the Indian Aircraft (Public Health) Rules, 1954.
	S.O. 3801, dated October, 1968.	25th Do.	Declaring influenza to be an infectious disease under the Indian Port Health Rules, 1955.
	एस० ओ० 3802, दिनांक 25 अक्टूबर, 1968 ।	स्वास्थ्य परिवार नियोजन एवं नगर विकास मंत्रालय	इन्फ्लूएंजा को एक संक्रामक रोग घोषित करना ।
	एस० ओ० 3803, दिनांक 25 अक्टूबर, 1968 ।	Do.	इन्फ्लूएंजा को एक संक्रामक रोग घोषित करना ।

Issue No.	No. and Date	Issued by	Subject
406	S.O. 3804, dated October, 1968.	26th Ministry of Food, Agriculture, Community Development and Co-operation.	Delegation of powers in relation to prices, stocks and movements of Cattle fodder of any varieties specified in schedule therein to the State Government of Haryana.
407	S.O. 3805, dated October, 1968.	28th Ministry of Labour, Employment and Rehabilitation.	Establishment of the Kandla Dock Labour Board.
408	S.O. 3806 dated October, 1968.	28th Ministry of Home Affairs.	Further amendment in notification No. S. O. 992, dated the 22nd March, 1965.
409	S.O. 3807/IDRA/15/68, dated 28th October, 1968.	Ministry of Industrial Development and Company Affairs.	Appointment of Shri Sarico, Prasad Singh, Retired Judge, Patna High Court, for making a full and complete investigation in to the circumstances of the case in relation to the Messrs British India Corporation Ltd., Kanpur.
410	S.O. 3891, dated October, 1968.	29th Ministry of Information and Broadcasting.	Approval of the films specified therein.
411	S.O. 3892, dated October, 1968.	29th Ministry of Finance.	Extending the period for the making of declarations by licensed dealers and refiners under sub-section (7) of section 16 of the Gold (Control) Act, 1968 up to the 31st day of December, 1968.
412	S.O. 3893, dated October, 1968.	30th Ministry of Commerce.	The Jute (Licensing and Control) Amendment Order, 1968.
413	S.O. 3894, dated October, 1968.	30th Ministry of Home Affairs.	The Punjab Reorganisation (Chandigarh) (Adaption of Laws on state and concurrent subjects) Orders 1968.
	S.O. 3895, dated October, 1968.	30th Do.	The Himachal Pradesh (Adaptation of Laws on State and concurrent subjects) Order, 1968.
414	S.O. 3896 dated October, 1968.	31st Ministry of Industrial Development and Company Affairs.	Extending the period of tenure of the management of the India Electric Works Ltd., Calcutta upto the 11th November, 1968.
415	S.O. 3897, dated October, 1968.	31st Election Commission of India.	Appointment of certain officers in respect of the District of Aligarh to be the District Election officers for the period mentioned in the table therein.
416	S.O. 3898, dated October, 1968.	31st Ministry of Labour, Employment and Rehabilitation.	Appointment of an Administrative Body under the Kandla unregistered Dock Workers (Regulation of Employment) Scheme, 1968.

Issue No.	No. and Date	Issued by	Subject
417	S.O. 3899, dated November, 1968.	1st Ministry of Finance.	Appointment of certain persons as valuers.
418	S.O. 3900, dated November, 1968.	2nd Election Commission of India.	Corrigendum to notification No 56/68-XII (S.O. 3799), dated 25th October, 1968.
419	S.O. 3901, dated November, 1968.	4th Ministry of Food, Agriculture, Community Development and Co-operation.	Addition to the list of districts bearing S.O. No. 3464, dated 24th September, 1968.
420	S.O. 3965, dated November, 1968.	4th Ministry of Industrial Development Company Affairs.	Authorising Shri R. P. Sinha, Managing Director of the Bihar State Industrial Development Corporation to take over the management of Messrs. Hindustan Vehicles, Patna, Vice Shri U. N. Rai.
<p>एस० ओ० 3966, दिनांक 4 नवम्बर, 1968 ।</p> <p>औद्योगिक विकास तथा समन्वय कार्य मंत्रालय ।</p> <p>बिहार राज्य औद्योगिक विकास निगम के प्रबन्ध निदेशक श्री आर० पी० सिन्हा, श्री यू० एन० राय के स्थान पर मै० हिन्दुस्तान वेहिकल्स लिमिटेड, पटना का प्रबन्ध करेंगे ।</p>			
421	S.O. 3967, dated November, 1968.	7th Ministry of Food, Agriculture, Community Development and Co-operation.	Fixation of maximum prices of vegetable oil products.
422	S.O. 3968, dated November, 1968.	8th Ministry of Commerce.	Fixation of rate for certain varieties of dhory and saree.
423	S.O. 3969, dated November, 1968.	11th Ministry of Information and Broadcasting.	Approval of the films as specified therein.
<p>एस० ओ० 3970, दिनांक 11 नवम्बर, 1968 ।</p> <p>सूचना और प्रसारण उन फिल्मों की स्वीकृति जिनका विवरण दिया गया है ।</p>			
424	S.O. 3971, dated November, 1968	11th Ministry of Commerce.	Quality Control and pre-shipment inspection of Fish and Fish Products.
425	S.O. 3972, dated November, 1968.	11th Do.	Quality Control and pre-shipment inspection of frog legs.
426	S.O. 3973, dated November, 1968.	11th Ministry of Industrial Development and Company Affairs.	Extending the period of tenure of management of India Electric Works Ltd., Calcutta upto and inclusive of 17th November, 1968.
427	S.O. 3974, dated November, 1968.	11th Ministry of Railways.	Appointment of Shri Karnail Singh I.A.S. as a Claims Commissioner.

Issue No.	No. and Date	Issued by	Subject
एस० ओ० 3975, दिनांक 11 नवम्बर, 1968।	रेल मंत्रालय।		श्री करनैल सिंह, आई०ए०एस० का दावा आयुक्त नियुक्त करना।
428 S.O. 3976, dated November, 1968.	12th Ministry of Commerce.		Amendment in the notification No. S.O. 3978, dated 20th December, 1968.
S.O. 3977, dated November, 1968.	12th Do.		Amendment in notification No. S.O. 3150, dated 30th Sep- tember, 1965.
S.O. 3978, dated November, 1968.	12th Do.		The Export of Minerals and Ores—Group II (Inspection) Amendment Rules, 1968.

अपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 7th November 1968

S.O. 4213.—Whereas the Election Commission of India is satisfied that Shri Jamil-Ul-Rehman resident of No. 7976, Mohalla Shaikhani, Bara Hindu Rao, Delhi-6, a contesting candidate for election to the House of the People from Delhi-6, Sadar Parliamentary Constituency in the general elections, 1967 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reasons or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jamil-Ul-Rehman to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. DL-HP/6/67.]

S.O. 4214.—Whereas the Election Commission of India is satisfied that Dr. H. R. Kanwal, Kanwal's Hospital, 17/27, Punjabi Bagh, Delhi-26, a contesting candidate for election to the House of the People from Delhi-6 Sadar Parliamentary Constituency in the general elections, 1967, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reasons or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Dr. H. R. Kanwal to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. DL-HP/6/67.]

New Delhi, the 12th November 1968

S.O. 4215.—Whereas the Election Commission is satisfied that Shri Amritlal Basumatary, Village Mukuldang, P.O. Bhawaraguri, District Goalpara (Assam) a contesting candidate for the bye election to the House of the People from Kokrajhar Constituency held in 1967, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after three notices has not given any reason or explanation for the default;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amritlal Basumatary to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. AS/HP/5/67-BYE(4).]

S.O. 4216.—Whereas the Election Commission is satisfied that Shri Ramji Singh, of Village Suarchhap, P. O. Gobraura, Distt. Champaran (Bihar) a contesting candidate for election to the House of the People from Bettah constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramji Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/3/67(47).]

New Delhi, the 16th, November 1968

S.O. 4217.—Whereas the Election Commission is satisfied that Shri Ram Suresh Rai of Village Sohwalia (Khurd) P.O. Bisodihri, District Shahabad (Bihar) a contesting candidate for election to the House of the People from Bikramganj constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declared the said Shri Ram Suresh Rai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/38/67(48).]

By Order,

A. N. SEN, Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 19th November 1968

S.O. 4218.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Chartered Bank, Calcutta till the 9th April 1969, in so far as the said provisions prohibit Mr. A. A. Norrie, its Chief Manager for India (Chief Executive Officer) from being a director of the Agricultural Finance Corporation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

[No. F. 15 (1)-BC/68.]

New Delhi, the 21st November 1968

S.G. 4219.—Statement of the Affairs of the Reserve Bank of India as on the 15th November, 1968.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	24,52,22,000
		Rupee Coin	2,74,000
Reserve Fund	80,00,00,000	Small Coin	3,94,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Bills Purchased and Discounted:	
		(a) Internal
		(b) External
		(c) Government Treasury Bills	252,17,54,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balances Held Abroad*	101,52,75,000
		Investments**	135,48,99,000
National Industrial Credit (Long Term Operations) Fund	55,00,00,000	Loans and Advances to:—	
		(i) Central Government	
		(ii) State Governments @	88,35,53,000

LIABILITIES		ASSETS	
	Rs.		Rs.
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	23,70,08,000
(i) Central Government	57,91,69,000	(ii) State Co-operative Banks††	216,54,91,000
(ii) State Governments	6,63,23,000	(iii) Others	3,55,02,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(i) Scheduled Commercial Banks	146,94,65,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	7,19,66,000	(i) State Governments	31,63,14,000
(iii) Non-Scheduled State Co-operative Banks	63,51,000	(ii) State Co-operative Banks	14,81,83,000
(iv) Other Banks	13,32,000	(iii) Central Land Mortgage Banks	..
(c) Others	329,87,73,000	(b) Investment in Central Land Mortgage Bank Debentures	8,53,61,000
Bills Payable	25,74,02,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
Other Liabilities	57,84,97,000	Loans and Advances to State Co-operative Banks	5,30,97,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	36,42,80,000
	Rupees		Rupees
	948,92,78,000		948,92,78,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 18,51,48,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund

Dated the 20th day of November, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of November, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	24,52,22,000		Gold Coin and Bullion :—		
Notes in Circulation	3218,58,53,000		(a) Held in India	115,89,25,000	
Total Notes issued		3243,10,75,000	(b) Held outside India		
			Foreign Securities	226,42,00,000	
			TOTAL		342,31,25,000
			Rupee Coin		82,74,82,000
			Government of India Rupee Securities		2818,04,68,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		3243,10,75,000	TOTAL ASSETS		3243,10,75,000

Date: the 20th 1968 November, 1968.

(Sd-) L. K. JHA,
Governor.

[N. F. 3(3)-BC/68.]

New Delhi, the 22nd November 1968

S.O. 4220.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, extends for a further period of one year till the 31st December, 1969, the exemption granted in S.O. 4506, dated the 23rd December, 1967, to the National Bank of Pakistan, Calcutta and the Habib Bank Ltd, Bombay, from the provisions of sub-section (2) of section 11 of the said Act.

[No. F. 17(17)-BC/68.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 22nd November 1968

S.O. 4221.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, "the prescribed authority", for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

Institution

The Stock Exchange Foundation, Bombay.

[No. 121. F. No. 10/85/68-IT(A-II).]

J. C. KALRA, Dy. Secy.

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 23rd November 1968

S.O. 4222.—In pursuance of Sub-clause (f) of Clause (iii) of Sub-Section 194A of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the following institutions for the purposes of the said Sub-clause:—

- (1) The Hindustan Steel Limited, P.O. Hinoo, Ranchi-2.
- (2) The Minerals & Metals Trading Corporation of India Ltd., Bahadur Shah Zaffar Marg, New Delhi, and
- (3) The State Trading Corporation of India Ltd., 9 & 10, Bahadur Shah Zaffar Marg, New Delhi.

[No. 117—No.F.12/154/68-ITB]

R. D. SAXENA, Dy. Secy

(Department of Revenue and Insurance)

ORDER

STAMPS

New Delhi, the 30th November 1968

S.O. 4223.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), and in continuation of the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. S.O. 3836 at page 4878 dated 2nd November, 1968, the Central Government hereby remits the stamp duty with which the additional bonds to the face value of rupees five lakhs issued by the Kerala Financial Corporation are chargeable under the said Act

[No. 21/68-Stamps. F. No. 1/47/68-Cus.VII]

S.O. 4224.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the bonds to the value of fifty five lakhs of rupees to be issued by the Haryana State Financial Corporation, are chargeable under the said Act.

[No. 22/68-Stamp—F. No. 1/58/68-Cus.VII.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 12th November 1968

S.O. 4225.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in this behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
Range-I (Central), Calcutta.	Central Circles-I, III, V, VII, X, XI, XIII, XIV, XVI, XVII, XX, XXII, XXIII, XXVI, XXIX & XXXI.
Range-II (Central), Calcutta.	Central Circles-II, IV, VI, VIII, IX, XII, XV, XVIII, XIX, XXI, XXIV, XXV, XXVI, XXVIII, XXX & XXXII.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said circle, ward or District or part thereof is transferred.

This notification shall take effect from 13th November, 1968.

Explanatory Note.

The amendments have become necessary on account of creation of new charges of Income-tax Officer known as Central Circles XXIII to XXXII, Calcutta within the charge of the Commissioner of Income-tax (Central) Calcutta.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 115 (F. No. 50/15/68-IT).]

New Delhi, the 15th November 1968

S.O. 4226.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 95 (F. No. 50/11/68-IT) dated 5th October, 1968, namely:

In the said Schedule against B-Range, Jodhpur under column 2 the following shall be added namely:

B-Range, Jodhpur

4. A.I Ward, Jodhpur

5. Special Assessment Circle I & II, Jodhpur.

Explanatory Note

The amendment has become necessary for assigning appellate jurisdiction over A.I. Ward, Jodhpur and Special Assessment Circle I & II, Jodhpur.

(The above note does not form part of the notification, but is intended to be merely clarificatory.)

[No. 116—F. No. 50/11/68-IT.]

New Delhi, the 20th November 1968

S.O. 4227.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 102 (F. No. 50 2/68-ITJ) dated the 11th October, 1968, namely:—

In the said schedule against Tiruchirappalli Range, Tiruchirappalli under Column 2, the following shall be substituted, namely:—

Tiruchirappalli Range—

1. Tiruchirappalli Circle.
2. City Circle I (all Sections), Tiruchirappalli.
3. Company Circle, Tiruchirappalli.
4. Pudukottai Circle (all Sections).
5. Thanjavur Circle (all Sections).
6. Estate Duty-cum-Income-tax Circle, Thanjavur.
7. Nagapattinam Circle (all Sections).
8. Kumbakonam Circle (all Sections).
9. Dindigul Circle (all Sections).

This notification shall take effect from the 21st November, 1968.

Explanatory Note

The amendment has become necessary on account of creation of a new Income-tax Circle with headquarters at Kumbakonam.

(The above note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 120—F. No. 50 2 68-ITJ.]

S. V. SUBBA RAO, Under Secy.,

INCOME-TAX

New Delhi, the 20th November 1968

S. O. 4228.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963, published as S.O. 1293 on pages 1454-1457 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th May 1963, as amended from time to time :—

I. Existing entries under columns (1), (2) and (3) against S. No. 7 shall be substituted by the following entries :—

Income-tax Commissioners (1)	Headquarters (2)	Jurisdiction (3)
7. Delhi-I	New Delhi	<ol style="list-style-type: none"> 1. District I. 2. District II. 3. District III, Wards A, A(Add), O, O(Add), A(I), C(I), E(I), G(I), I(I), K(I), M(I). 4. District IV, Wards A(I), B(I), C(I), C(II). 5. District VI, Wards A(I), A(II), C(I), C(I)(Add). 6. District VII. 7. District VIII. 8. District IX. 9. Company Circles II, III, VII, X, XII, XIII, XIV, XV, XVI, XIX, XX. 10. Special Circles III, IV, V. 11. Refund Circle. 12. Foreign Section. 13. Estate Duty-cum-Income-tax Circle.

II. After the existing S. No. 7A, the following shall be added :—

(1)	(2)	(3)
7 B. Delhi-II.	New Delhi	<ol style="list-style-type: none"> 1. District III, Wards B, C, D, E, F, F(Addl), G, H, I, J, K, L, L(Addl), M, N, P. 2. District IV, Wards A, B, C, D. 3. District V. 4. District VI, Wards A, A(Addl), B, E(Addl), C, C(Addl), D, E. 5. Company Circles I, IV, V, VI, VIII, IX, XI, XVII, XVIII, XXI, XXII. 6. Special Circles I, II, VI. 7. Salary Circles. 8. Private Salary Circles. 9. Evacuee Circles.

This notification shall take effect from 21st November, 1968.

Explanatory Note

This notification has been issued on account of the creation of one new Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 119 (F. No. 55/432/68-IT.A.II)]

R. D. SAXENA, Secy.

CENTRAL EXCISE COLLECTORATE, DELHI

New Delhi, the 23rd September 1968

S.O. 4229.—In exercise of the powers conferred by section 8 of the Customs Act, 1962 (No. 52 of 1962), I, R. Prasad, Collector of Customs and Central Excise, Delhi, hereby for the purpose of clause (b) of the said Section, declare, the limits of the Customs area as shown below in respect of Rajasansi Airport Amritsar :—

North : Barbed wire fencing along the fields Rajasansi Village.

South : Barbed wire fencing along the fields of Hare village.

East : Transmitting Station and Village Bal Schander.

West : Barbed wire fencing along 'Bursati Nullan' and the fields of Sardar Fauja Singh.

The Area of this Airport is 826.84 acres.

(C. No. VIII(Hrs)43/1/67.

[No. Advt./2(11)/78/68.]

R. PRASAD, Collector.

COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE, COCHIN-3**CENTRAL EXCISES**

Cochin, the 6th November 1968

S.O. 4230.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, and in supersession of this Collectorate Notification No. 4/68 dated 10th August, 1968, I hereby empower the Central Excise Officers specified in column 3 of the Table hereto annexed to exercise within their respective jurisdiction, in relation to the assesses governed by the provisions of chapter VII-A of the said rules, the powers of the "Collector" under the provisions of the said Rules, shown against each officer in column 2 of the Table.

TABLE

Sl. No.	Central Excise Rule Number	Collector's powers delegated to the officers not below the rank of
1	2	3
1	Rule 52(A)(1) read with rule 173G(2).	Assistant Collector.
2	Rule 53 read with Rule 173G(4).	Assistant Collector.

(Issued from file IV/16/156/68 Cx.I.)

[No. 8/68.]

D. N. KOHLI, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE & CUSTOMS, PATNA

CENTRAL EXCISES

Patna, the 8th November 1968

S.O. 4231.—This office notification No. 5-CX/68, dated 13th September 1968 is hereby rescinded.

[No. 6/CX/68.]

TILAK RAJ, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, SHILLONG

CENTRAL EXCISES

Shillong, the 8th November 1968

S.O. 4232.—In exercise of the powers conferred upon me under Rule 5 of Central Excise Rules, 1944, I hereby empower the Central Excise officers specified in Column 2 of the sub-joined Table to exercise within their jurisdiction the powers of the Collector under the Central Excise Rules, 1944 enumerated in column (1) thereof subject to the limitations set out in column (3) of the said Table.

TABLE

CE Rules	Rank of Officer	Limitations if any
1	2	3
Rule 52(A)	Assistant Collector, Central Excise	To authorise acceptance of an alternative document in lieu of Gate Pass [Central Excise Series No. 65(A)], Rule 52(A) subject to the condition that the document approved in lieu of the statutory form should contain all information as is available in the Statutory form.
Rule 173-G(4)	Do.	To authorise acceptance of alternative documents in lieu of Statutory form R.G. I (Central Excise Series No. 38)—Rule 173-G(4) subject to the condition that the document approved in lieu of the Statutory form should contain all information as is available in the Statutory form.

[No. 8/68.]

S.O. 4233.—The following shall be deleted from columns (1), (2) and (3) of the Table to this office Notification No. 3/68 dated the 27th May, 1968.

“173-E. Not below the rank of Assistant Collector of Central Excise. Full powers to the extent of determination of normal production of the assessee's factory etc. But the powers of the adjudication of any shortfall in production would vest with the officer not below the rank of Deputy Collector”.

[No. 9/68.]

A. K. BANDYOPADHYAY, Collector.

CENTRAL EXCISE COLLECTORATE, KANPUR*Kanpur, the 13th November 1968*

S.O. 4234.—In exercise of the powers conferred upon me by Rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers specified in Column (2) of the Table given below to exercise within their respective jurisdiction the powers of the "Collector" under the Central Excise Rules, enumerated in column (1) thereof subject to the scope and limitations set out in columns (3) and (4) of the said Table :

TABLE

C.E. Rules	Rank of Officer	Scope of powers	Limitations, if any
52-A	Assistant Collectors	To accept an alternative document in lieu of Gate Pass (C.E. Series No. 65-A) Rule 52-A subject to the condition that the document approved by Assistant Collectors in lieu of the Statutory form contains all information as is available in the Statutory form.	
173G(4)	Assistant Collectors	To accept an alternative document in lieu of Statutory form R.G. 1 (C.E. Series No. 38) subject to the condition that the document approved by Assistant Collectors in lieu of the Statutory form should contain all information as is available in the form.	

[No. 8/CE/1968.]

V. PARTHASARATHY, Collector.

CENTRAL EXCISE COLLECTORATE, POONA**CENTRAL EXCISES***Poona, the 15th November 1968*

S.O. 4235.—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I empower all officers of and above the rank of Assistant Collectors of Central Excise in the Poona Central Excise Collectorate to exercise within their respective jurisdiction the powers of Collector under the Central Excise Rules specified in column 2 of the table subjoined subject to the limitations indicated in column 3 thereof.

TABLE

Rank of Officer	Rule No.	Limitations
1	2	3
All Officers of and above the rank of Assistant Collector C. Ex.	Rule 173 G(2) Rule 173 G(4)	Documents approved in lieu of Statutory forms should contain all information as is available in the Statutory forms.

[No. CER. 10/68.]

D. N. LAL, Collector.

MINISTRY OF COMMERCE

New Delhi, the 21st November 1968

S.O. 4236.—In pursuance of Sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that the address of the principal place of business of Shri Moolky Padmanabha Rao, a Registered Trade Mark Agent has been altered in the Register of Trade Marks Agents as shown below:—

Moolky Padmanabha Rao, C/o M/s. Kamath & Kamath, Trade Mark & Patent Attorneys, Bombay Mutual Annexe, 323, Linghi Chetty Street, Madras-1.

[No. 6(2)Exp. Insp/TM/68.]

S.O. 4237.—In pursuance of Sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that the address of the principal place of business of Shri Jagdish Mohanlal Bhatt, a Registered Trade Mark Agent (Registration No. 78), has been altered in the Register of Trade Marks Agents as shown below:—

Shri J. M. Bhatt, Patel Market, Top Floor, Kapasia Bazar, Ahmedabad-2.

[No. 6(3)Exp. Insp/TM/68.]

S.O. 4238.—In pursuance of Sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that the address of the principal place of business of Shri Dewan Raj Kumar Kochhar, a Registered Trade Mark Agent (Registration No. 21) has been altered in the Register of Trade Marks Agents as shown below:—

Shri Dewan Raj Kumar Kochhar, Registered Trade Marks Agents, C/o M/s. R. K. Dewan & Co., Trade Marks & Patents Attorneys, 78, Podar Chambers, Post Box 711, Fort, Bombay-1.

[No. 6(4)Exp. Insp/TM/68.]

S.O. 4239.—In pursuance of Sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that the address of the principal place of business of Shri V. R. Venkatesan, a Registered Trade Mark Agent (Registration No. 45) has been altered in the Register of Trade Marks Agents as shown below:—

(1) Shri V. R. Venkatesan, Trade Marks Attorney, 12, Kalas Pillayar Koil-Street, Vellore-1.

and also trading as:—

(2) Associated Attorneys, 13, Arasamaram Street, Vellore-4.

[No. 6(5)Exp. Insp/TM/68.]

P. V. RAMASWAMY, Under Secy.

(Office of the Chief Controller of Imports and Exports, New Delhi)

ORDER

New Delhi, the 28th September 1968

S.O. 4240.—M/s. Mysore Acetate and Chemicals Co. Ltd., Bangalore-2 were granted licence No. P/D/2164691/S dated 3rd August, 1968 for import of raw materials Rs. 5,00,000/-. They have applied for issue of duplicate licence on the ground that the original has been misplaced/lost without having been registered with any Customs authority and utilised at all.

In support of this contention M/s. Mysore Acetate and Chemicals Co. Ltd., Bangalore have produced an affidavit. The undersigned is satisfied that the original licence has been lost/misplaced. Therefore, in exercise of the power conferred under clause 9(cc) of the Import Control Order 1955 dated 7th December, 1955 as amended, the original licence is hereby cancelled.

A duplicate is being issued separately.

M/s. Mysore Acetate & Chemicals Co. Ltd.,
"Mysugar Bldg.", Sri Jayachamaraja
Wadiyar Road, Bangalore-2.

[No. Plastic/391/67-68/R.M.VL/967.]

S. S. BROUGHTON,

Dy. Chief Controller of Imports and Exports.

(Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 30th October 1968

S.O. 4241.—A licence No. P/SS/1605715/C dated 30th March, 1967 of the value of Rs. 82,964/- for the import of Copper and Zinc was issued to M/s. National Steel Corporation, Industrial Area, Barotiwala, Distt. Mahasu (H.P.).

2. Thereafter, a show cause notice No. N-8/68/ENF/CLA/3349 dated 27th July, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it was issued, as they have closed the unit in terms of Clause 9, sub-clause (cc) of the Import (Control) Order, 1955.

3. In response to the aforesaid show cause notice, no reply has been received from the firm.

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1605715/C dated 30th March, 1967 for Rs. 82,964/- issued in favour of M/s. National Steel Corporation, Industrial Area, Barotiwala, Distt. Mahasu (H.P.).

[No. N-8/68/ENF/CLA/7676.]

J. S. BEDI,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 18th November 1968

S.O. 4242.—M/s. Mayer (India) Limited, 82, Veer Nariman Road, Churchgate, Bombay, were granted licence No. P/RM/2163117/R/IA dated 18th April, 1968 from G.C.A. for import of raw materials valued Rs. 1,06,860/-. They have requested for the issue of duplicate Customs Purposes Copy of the licence on the ground that the original Customs copy of the licence has been lost by them. It has been further reported by the licensee that the licence was lost without utilising any amount. The licence has not been registered with Collector of Customs, Bombay.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs purposes copy of the licence No. P/RM/2163117/R/IA dated 18th April, 1968 has been lost and directs that a duplicate Customs copy of the said licence should be issued to them. The original Customs purposes copy is cancelled.

The duplicate Customs copy of the licence is being issued separately.

[No. D. & P. 252/67-68/B.3(68)/RM-3/1778.]

M/s. Bayer (India) Ltd., 82, Veer Nariman Road,
Churchgate, Bombay-2.

G. D. BAHL,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Food)

New Delhi, the 4th November 1968

S.O. 4243.—In accordance with clause (a) of Rule 3 of the Rules published with the late Department of Revenue and Agriculture Notification No. 1616-F, dated the 25th July, 1960, read with Rule 4 thereof, as amended from time to time, the Government of India are pleased to appoint Shri A. M. Ratnasami, 93, Peters Road, Madras-14 and Shri Kunwar Ram, Chitkohra, Patna as members of the Board of Management, Indian People's Famine

Trust, with immediate effect *vice* Smt. Ila Palchaudhuri and Shri K. Sattanatha Karayalar respectively.

The Government of India are also pleased to re-appoint Shri Rajkrishna Bose, Tala Telenga Bazar, Ripon Road, Cuttack-I, as a member of the Board of Management Indian People's Famine Trust, for another term with effect from 4th November, 1968.

[No. 3-1/68-SR.]

K. PRASAD, Dy. Secy.

सूचना और प्रसारण मंत्रालय

आदेश

नई दिल्ली, 18 नवम्बर 1968

सा० आ० 4244.—भारत सरकार के सूचना और प्रसारण मंत्रालय के आदेश संख्या सा० आ० 3792, तारीख 2 दिसम्बर, 1966 की प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियमों के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा, उसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्मों को उसके सभी भारतीय भाषाओं के रूपान्तरों सहित, जिनका विवरण उसके सामने उक्त सूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समा- चार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है।
1	2	3	4	5	6
1	भारतीय समा- चार समीक्षा संख्या 1049	259.38 मि० मी०	फिल्म प्रभाग भारत सरकार, 24 पैडर रोड, बम्बई-26.		समाचार और सामयिक घटनाओं की फिल्म।
2	ऐक्रास दी रिवर	288.04 मि० मी०	नेशनल ऐजुकेशन एण्ड इनफार्मेशन फिल्म्स लिमिटेड, नेशनल हाऊस, तुलोक रोड, अपोलो बन्दर, बम्बई-1.		डाकुमेंट्री फिल्म।

1	2	3	4	5	6
3	नई राह	288.95 मि० मी०	सूचना निदेशक उत्तर प्रदेश सरकार, लखनऊ		शिक्षा सम्बन्धी फिल्म ।
4	एण्ड आई मेक शार्ट फिल्मज	445.00 मि० मी०	फिल्म प्रभाग, भारत सरकार, 24-पंडर रोड, बम्बई-26.		शिक्षा सम्बन्धी फिल्म ।
5	दी डेंजर सिनेमा	294.74 मि० मी०	श्री पी०के० राज- हंस, टेलिवीजन फिल्मज आफ़ इण्डिया, 3, विश्वजीत 35- बी नेहरू रोड, बम्बई-55.		शिक्षा सम्बन्धी फिल्म
6	ए रीजन फ़ार लिविंग	297.79 मि० मी०	श्री एम० डबल्यु मुकदम, 12- दीपावली, सेट साईरिल रोड, बान्दरा, बम्बई- 50.		शिक्षा सम्बन्धी फिल्म ।

[फा० सं० 24/1/68-एफ० पी०-परिशिष्ट 1303]

बानू राम अग्रवाल,
अवर सचिव, ।

स्पात, खान और धातु मंत्रालय

(लोहा और इस्पात विभाग)

नई दिल्ली, 13 नवम्बर, 1968

सा० प्रो० 4245.—केन्द्रीय सिविल सेवा (अस्थायी सेवा) नियम, 1965 के नियम 5(2) के अन्तर्गत लोहा और इस्पात नियंत्रक की एतद् द्वारा अपने कार्यालय में काम करने वाले सभी उन राजपत्रित तथा अराजपत्रित कर्मचारियों के, जिनको नोटिस दिये गये हैं, नोटिस वापस लेने अथवा उन पर पुनर्विचार करने के अधिकार दिये जाते हैं ।

सं० प्रशास० 1-11 (25)/68

ए० एन० राजगोपालन
अवर सचिव ।

MINISTRY OF HEALTH, FAMILY PLANNING AND U. D.

(Department of Health and U. D.)

New Delhi, the 15th November 1968

S.O. 4246.—In exercise of the powers conferred by sub-section (4) of section 21 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby directs that the Inspectors specified in column (1) of the Table below shall be officially subordinate to the authority specified in the corresponding entry in column (2) of the said Table.

TABLE

Inspectors	Authority
1	2
1. Inspectors posted in Bombay for the Western Zone	The Deputy Drugs Controller (India) at Bombay.
2. Inspectors posted in Calcutta for the Eastern Zone	The Deputy Drugs Controller (India) at Calcutta.
3. Inspectors posted in Madras for the Southern Zone	Assistant Drugs Controller (India) at Madras.
4. Inspectors posted in Ghaziabad for the Northern Zone	The Assistant Drugs Controller (India) at Ghaziabad".

[No. F. 1-53/68-D.]

L. K. MURTHY, Under Secy

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 14th November 1968

S.O. 4247.—Whereas it appears to the Central Government that it is necessary in the public interest, that for the transport of Petroleum Products between the Rajbandh Delivery Point of Indian Oil Corporation Ltd., to the premises of Fertilizer Corporation of India, Durgapur Unit, in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the Powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of Pipelines under the land to the Competent Authority at 9, Syed Amir Ali Avenue, Calcutta-17, in the office of the Indian Oil Corporation Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Naphtha Line

P.S.—Kanksa

DISTT.—Burdwan (West Bengal)

Name of Mouza	Plot No.	Description of Plot	Extent (Area)
Amlazora J. L. No. 64	240	Road	•02
	246	South	•11
	247	Middle	•12
	254	Middle	•08

Name of Mouza	Plot No.	Description of Plot	Extent (Area)
Amlazora, J. L. No. 64— <i>contd.</i>	257	South	·01
	265	South	·18
	266	South	·24
	270	North	·08
	328	South	·12
	331	South	·09
	335	South	·38
	336	North	·005
	339	North	·02
	436	North	·12
	437	South	·01
	438	South	·005
	446	North	·17
	456	South	·07
	457	South	·04
	458	South	·02
	466	South	·02
	472	North	·06
	473	Middle	·01
	474	North	·10
	476	North	·01
	485	North	·04
	486	South	·06
	487	North	·01
	488	North	·03
	494	South	·08
	495	South	·01
	498	South	·12
	500	South	·05
	532	North	·02
	4474	South	·06
	4497	South	·11
	4608	South	·08
Gopalpur, J. L. No. 65.	3553	South	·25
	3557	North	·09
	3559	South	·04
	3560	North	·01
	3561	South	·06
	3572	South	·04
	3574	South	·06
	3575	North	·02
	3576	North	·01
	3586	North	·01
	3588	North	·05
	3591	North	·08
	3592	North	·06
	3593	South	·02
	3594	South	·17
	3631	South	·04
	3638	South	·08
	3639	South	·12
	3640	South	·10
	3643	South	·01
	3645	South	·17
	3646	South	·06
	3647	North	·14
	3648	North	·01
	3649	South	·10
Bamunara, J. L. No. 58	3658	North	·03
	5043	South	·01
	2852	South	·005
	2859	North	·07
	2864	North	·05
	2865	South	·01
	2867	North	

Name of Mouza	Plot No.	Description of plot	Extent (Area)
Bamunara L. J. No. 58— <i>contd.</i>	2868	North	·05
	2879	West	·055
	2880	North	·12
	2881	South	·08
	2882	East	·12
	2883	East	·03
	2912	North	·03
	2917	South	·04
	2918	North	·06
	2977	North	·04
	2978	South	·05
	2983	South	·07
	2984	Middle	·09
	3101	South	·07
	3103	Middle	·06
	3109	North	·07
	3110	South-West	·005
	3120	South	·03
	3123	North	·03
	3139	North	·07
	3140	North	·08
	3142	South	·03
	3143	South	·005
	3153	South	·07
	3154	South	·03
	3155	North-East	·03
	3314	South-East	·005
	3315	South	·04
	3316	North	·04
	3318	North-East	·02
	3320	North-East	·03
	3321	South	·01
	3322	Middle	·05
	3323	South-East	·04
	3338	South-West	·01
	3340	South	·05
	3341	North-East	·005
	3342	Middle	·06
	3343	North-East	·03
	3345	Middle	·02
	3346	South	·04
	3351	South	·005
	3368	South	·01
	3370	South	·04
	4914	South	·005
	4918	South	·08
	4921	South	·04
	4922	South-West	·01
	5124	North	·05
	5125	North	·04
Banskopa, J.L. No. 61	216	North-East	·01
	279	North	·06
	281	North	·07
	286	North	·04
	287	South	·06
	288	South	·05
	289	North	·02

Name of Mouza	Plot No.	Description of plot	Extent (Area)
Banskopa, J.L. No. 6— <i>contd.</i>	290	South	·03
	291	South	·005
	292	South	·05
	293	Middle	·12
	294	Middle	·18
	295	North	·01
	1500	North	·04
Khatpakur, J.L. No. 59	921	North	·05
	928	North	·10
	930	North	·06
	931	North	·03
	933	South	·05
	937	South	·01
	939	North	·02
	966	South-East	·08
	1179	North	·03(Road)
	1300	South	·03
	1301	South	·02
	1302	South	·04
	1303	South	·06
	1304	North	·03
	1305	North	·05
	1306	North	·01
	1311	North	·04
	1328	South	·04
	1329	North	·12
	1333	North	·05

[No. 28(7)/68-IOC.]

New Delhi, the 16th November 1968

S.O. 4248.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2567 dated 9th July, 1968 under sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (I) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat Dist.—Ahmedabad Taluk—Dascroi

Laying Pipeline from Well No. 89 & 107 to Well No. K-15.

Village	S. No.	Hectare	Ac	P. Ac
Uvarsad	944/I	..	3	74
	945/4A	..	8	00
	3A			
	2A			

Village	S. No.	Hectare	Acre	P. Acre.
Uvarsad—contd.	945/4B	..	3	84
	945/6/4C	..	5	36
	946/1	..	7	48
	950/2	..	6	47
	949	..	7	48
	953/1	..	8	69
	954/4	..	2	52
	954/1	..	11	13
	954/2	..	1	11
	V.P. Cart Truck	..	0	50
	963/4	..	14	46
	962	..	5	26
	995	..	16	89
	998	..	8	29
	996/1	..	0	60
	996/2/2	..	3	74
	996/2/1	..	7	48
	993/3/1	..	5	86

[No. 29(5)/68-IOC (a).]

S.O. 4249.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2566 dated 9th July, 1968 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User, in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (I) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

State.—Gujarat

Distt.—Ahmedabad

Tal.—Dascroi

Laying Pipeline from Well No. 89 & 107 to Well No. K-15

Village	S. No.	Hectare	Acre.	P. Acre.
Adalaj	440	..	{ 2 3	12 54
	436/3 & 437/1 & 2	..	2	62
	438/3	..	5	56
	435/7	..	3	34
	435/1 & 3	80
	435/4 & 5	..	9	41
	435/6	..	1	81
	435/8	..	12	64

[No. 29(5)/68-IOC (b).]

S.O. 4250.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 3195 dated 19th August, 1968 under sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (I) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (I) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat

Dist.—Ahmedabad

Tal.—Dāscroi

Laying Pipeline from Well No. 89 & 107 to Well No. K-15

Village	S. No.	Hectare	Are	P. Are
Uyarsad	993/2	..	6	96
	991	..	16	59
	V. P. Cart	..	0	50
	track Crossing	..	0	50
	1085	..	4	55
	1085/1 & 2	..	4	55
	1081/1 or 3	..	3	14
	1081/2	..	4	75
	1081/1/2	..	2	52
	1080/1/1	..	3	14
	1082	..	8	39
	1076	..	2	82
	V. P. Road	..	1	81
	1100	..	1	00
	1105	..	9	41
	1103	..	3	64
	1104	..	12	23

[No. 29(5)/68-IOC (C).]

R. S. GOPALAN, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

New Delhi, the 18th November 1968

S.O. 4251.—In exercise of the powers conferred by section 4 of the Merchant Shipping Act, 1958 (44 of 1958), read with sub-rule (2) of rule 4 of the National Shipping Board Rules, 1960, the Central Government hereby appoints Shri Babubhai M. Chinai as a member of the National Shipping Board in the place of Shri M. A. Master and makes the following further amendment in the notification of the

Government of India in the Ministry of Transport and Shipping (Transport Wing) No. S.O. 2319, dated the 6th July, 1967, namely:—

In the said notification, against serial No. 18 for the entry 'Shri M. A. Master' the entry "Shri Babbhubhai M. Chinai" shall be substituted.

[No. 37-MD(4)/67.]

JASWANT SINGH, Under Secy.

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 13th November 1968

S.O. 4252.—In exercise of the powers conferred by Sub-Rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 188(a),
- (ii) Rule 119(1)(a), and
- (iii) Rule 123(7),

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one No. 2½ Cubic Yards 3.3 KV Tata P & H Model 955A Electric Shovel, Serial No. T 1196:

- (1) One manually operated gang type fuse protected 100 amps, 5.2 KV (G.E.C) disconnecting Switch,
- (2) One 5,000 volts, 3 phase, Oil contactor assembly G.E.C. make,
- (3) One 180 H. P., 3.3 KV, 3 phase, Harnischfeger Corporation make Motor, No. 268515,
- (4) One 180 H. P., 3.3 KV, 3 phase, Auto Transformer Heavy Duty Co. Make, No. 3652004,
- (5) One 8 KVA, 3.3 KV/440/115/105 volts, 3 phase, 50 cycles, transformer for lighting and blower, Heavy Duty Co. make Serial No. 1739007,
- (6) One length of 200 metres, 4 core, 3.3 KV, 91/0.018" A.T.C. wire VIR insulated, 7/0.028" C.S. standard and finally sheathed with special rubber compound Type 32/C, Indian Cable Co. make flexible trailing cable,

in the open cast mine at Noamundi Iron Ore Mines of M/s. Tata Iron and Steel Co. Ltd., to the extent that (1) in relaxation of Rule 118(a) the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 8 KVA, 3.3KV/440/115/105 Volts, 3 phase transformer for lighting and blower with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 123(7), the flexible cable not exceeding 200 metres in length may be used with a portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable shall be provided with earth leakage protection.
- (2) The over-current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable shall be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The excavating machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.

- (6) The operators of the shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Deputy Director of Mines Safety (Electrical—HQS), Dhanbad.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical), as soon as the machine is taken out of the mine.

[No. EL.II-6(2)/68.]

M. RAMANATHAN,
Deputy Director (Power).

MINISTRY OF EDUCATION
(Cultural Activities Division I)

CAI(1) Section

New Delhi, the 23rd November 1968

S.O. 4253.—Whereas it has been made to appear to the Central Government that M/s. India Products, New Delhi and others have committed offences punishable under section 5 of the Antiquities (Export Control) Act, 1947 and other laws in case RC.21/66-CIA(I) of the Central Bureau of Investigation, Government of India, Ministry of Home Affairs, New Delhi,

And whereas no Court can take cognizance of an offence punishable under the Antiquities (Export Control) Act, 1947, except upon a complaint made in writing by an officer generally or specially authorized in this behalf by the Central Government.

Now therefore the Central Government is pleased to authorize Shri Ulfat Rai Deputy Superintendent of Police, Central Bureau of Investigation, Government of India, Ministry of Home Affairs, New Delhi to prefer the complaint against M/s. India Products, New Delhi and others under the Antiquities (Export Control) Act, 1947 before a Court of competent jurisdiction in the aforesaid case.

By order and in name of the President of India.

[No. 30/21/67-CAI(1).]

P. GANGULEE, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 22nd November 1968

S.O. 4254.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works, Housing and Supply, Government of India, New Delhi for further transfer to Shyam Lal Trust College for construction of College Building with effect from 1st July, 1968.

SCHEDULE

Piece of land measuring 7.37 acres bearing Khasra Nos. 223 min, 222/200 min situated

222

I

in Chiragh North Estate.

The above piece of land is bounded as follows:—

North—Private land.

South—Park G.T. Road.

East—Gandhi Memorial School.

West—Land D.D.A. Khasra No. 222 min.

200

[No. F. 3(98)62W.D.]

PUBLIC NOTICE

New Delhi, the 30th November 1968

S.O. 4255.—The following modifications which the Central Government proposes to make to the Master Plan for Delhi are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhavan, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and full address.

Modifications

(1) Due to the change in the alignment of the 100 ft. Master Plan Road, connecting Patel Road and Ring Road, further north-west, 32 acres land contiguous to Kirti Nagar Mineral Siding and Warehousing Scheme has been made available. The land is located south-east of the above mentioned road and starts from its junction with Ring Road. The land use of this 32 acres to be changed from "recreational (green)" to "industrial (warehousing) and mineral siding".

(2) Land use of approximately 10 acres of land in the approved portion of the layout plan of Mansarovar Garden earmarked as "recreational (green)" in the Master Plan to be changed to "residential". The area is located north-west of the 100 ft. wide road, connecting Patel Road and Ring Road, starting from its junction with Ring Road and extending along with the above mentioned 100 ft. road.

(3) Approximately 10 acres of land in the approved portion of the layout plan of Kirti Nagar residential scheme, mainly comprising blocks J & K, which is earmarked as "industrial" in the Master Plan to be changed to "residential".

2. The plan indicating the proposed modifications will be available for inspection at the office of the Authority, Delhi Vikas Bhavan, Indraprastha Estate, New Delhi, on all working days except Saturdays, within the period referred to above.

[No. F. 3(236)/68-MP.]

M. L. MONGIA, Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

NOTIFIED ORDER

New Delhi, the 15th November 1968

S.O. 4256.—In exercise of the powers conferred by Section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951) the Central Government hereby extend the term of Shri S. N. Lahiri as the Authorised Controller of the India Electric Works Ltd. upto 18th November, 1968

[No. 1(2)/68-LEEI.]

N. SIVARAMAN, Under Secy.

(Department of Industrial Development)

(Indian Standard Institution)

New Delhi, the 18th November 1968

S.O. 4257—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that twenty three licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark :

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-1802 4-10-1968	16-10-68	15-10-69	M/s. Bombay Wire Ropes Ltd., Kolshet Road, Thana, Maharashtra State, having their Regd. office at 15-A Horniman Circle, Bombay-1.	Steel wire ropes for general engineering purposes	IS : 2266-1963 Specification for steel wire ropes for general engineering purposes.
2	CM/L-1803 7-10-1968	16-10-68	15-10-69	M/s. Pioneer Agro Industries, Plot No. 24, Badlapur, Industrial Estate, M.I.D.C., P.O. Kulgaoon, Distt. Thana.	Endrin emulsifiable concentrates	IS : 1310-1958 Specification for endrin emulsifiable concentrates.
3	CM/L-1804 9-10-1968	1-10-68	30-9-69	M/s. Hindustan Steel Ltd., Rourkela Steel Plant, Rourkela-I having their registered office at P.O. Hinoo, Ranchi.	Galvanized steel sheets (plain and corrugated)	IS : 277-1962 Specification for galvanized steel sheets (plain and corrugated).
4	CM/L-1805 8-10-1968	16-10-68	15-10-69	M/s. Uttar Pradesh Steels Ltd., Village Nara, Distt. Muzaffarnagar (U.P.).	Structural steel (standard quality) MS rounds and bars from 6 mm to 22 mm dia, squares up to 28 mm, and flats from 12 x 3 mm to 28 x 8 mm	IS : 226-1962 Specification for structural steel (standard quality) (third revisions).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
5	CM/L-1806 8-10-1968	16-10-68	15-10-69	M/s. Uttar Pradesh Steels Ltd., Village Nara, Distt. Muzaifarnagar (U.P.).	Structural steel (ordinary quality) MS rounds and bars from 6 mm to 22 mm dia, square up to 28 mm, and flats from 12 x 3 mm to 28 x 8 mm.	IS : 1977-1962 Specification for structural steel (ordinary quality).
6	CM/L-1807 9-10-1968	16-10-68	15-10-69	M/s. J. B. Advani - Oerlikon Electrodes Private Ltd., Bilaspur Road, Raipur (M.P.).	Covered electrodes for metal arc welding of mild steel of normal penetration type (M : 307254)	IS : 814-1967 Specification for cover electrodes for metal arc welding of mild steel (second revision).
7	CM/L-1808 14-10-1968	16-10-68	15-10-69	The Mineral Mining Co. Pri- vate Ltd., P.O. Rayalcheruvu, Tadpatri, TQ, Anantapur Dist., (A.P.).	BHC dusting powders	IS : 561-1962 Specification for BHC Dusting powders (second revision).
8	CM/L-1809 14-10-1968	16-10-68	15-10-69	M/s. Metropole Industries, Pradhankhunta, Distt. Dhan- bad (Bihar)	Aldrin dusting powders	IS : 1308-1958 Specification for aldrin dusting powders.
9	CM/L-1810 14-10-1968	16-10-68	15-10-69	M/s. Mohatta and Heckel Ltd., Khopoli, Sheelphata, Distt. Kolaba, Maharashtra, having their office at Mustafa Bldg., Sir P.M. Road, Fort, Bom- bay-1.	Steel wire ropes for general engineering purposes	IS : 2266-1963 Specification for steel wire ropes for general engineering purposes.
10	CM/L-1811 14-10-1968	16-10-68	15-10-69	M/s. Albion Plywood (Prop: Ashoka Marketing Ltd.), Kalipore, Budge Budge, 24 Parganas, West Bengal, having their office at 18-A, Brabourne Road, Calcutta-1.	Wooden flush door shutters (solid core type), with plywood face panels	IS : 2202 (Part I) — 1966 Specification for wooden flush door shutters (solid core type) : Part I plywood face panels (first revision).
11	CM/L-1812 14-10-1968	16-10-68	15-10-69	M/s. Sur Iron Steel Co. (P) Ltd., 378, G.T. Road, Belur, Howrah, having their office at 15, Convent Road, Calcutta- 14.	Single operator rectifier type dc arc welders ; current rating: 250 A.	IS : 4559-1968 Specification for single operator rectifier type dc arc welder.

12	CM/L-1813 14-10-1968	16-10-68	15-10-69	M/s. Shalimar Biscuits (Private) Ltd., Uppal Industrial Estate, Warangal Road, Uppal. Hyderabad-13.	Biscuits (excluding wafer biscuits) of the following varieties :— (i) Marie (ii) Orange cream (iii) Glucose (iv) Elachi cream and (v) Thin arrowroot	IS : 1011-1957 Specification for biscuits (excluding wafer biscuits)
13	CM/L-1814 15-10-1968	16-10-68	15-10-69	M/s. L. Madanlal (aluminium) Pvt. Ltd., 2, Haren Mukherjee Road, Belur, Howrah having their office at 46, Strand Road, Calcutta-7.	Aluminium utensils, SIC grade	IS : 21-1959 Specification for wrought aluminium and aluminium alloy for utensils (second revision)
14	CM/L-1815 15-10-1968	16-10-68	15-10-69	M/s. Bharat Foundry, Naya-bazar, Cuttack-4, Orissa.	Flushing cisterns for water closets and urinals (valveless siphonic type), high level, 15 litres capacity only	IS : 774-1964 Specification for flushing cisterns for water closets and urinals (valveless siphonic type) (second revision)
15	CM/L-1816 15-10-1968	16-10-68	15-10-69	M/s. Mahendra Electricals Ltd., Kamla, Mission Road, Nadiad, W. Rly.	Thermoplastic insulated weather proof cables : (1) PVC Insulated and PVC sheathed cables, 250/440V aluminium conductors.	IS : 3035—(Part I)-1965 Specification for thermoplastic insulated weatherproof cables, PVC insulated and PVC sheathed.
16	CM/L-1817 15-10-1968	1-11-68	31-10-69	M/s. Bombay Wire Ropes Ltd., Kolshat Road, Thana, Maharashtra State, having their office at "Nirmal" 3rd Floor, 241, Backbay Reclamation, Nariman Point, Bombay-1.	Steel wire for the core of steel-cored aluminium conductors	IS : 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead powder transmission purposes (revised)
17	CM/L-1818 18-10-1968	16-10-68	15-10-69	M/s. Metrople Industries, Pradhankhunta, Distt. Dhanbad, (Bihar).	BHC Emulsifiable concentrates	IS : 632-1966 Specification for BHC emulsifiable concentrates (revised)
18	CM/L-1819 23-10-1968	1-11-68	31-10-69	M/s. Fairman Enterprise, 13, Beliaghata Road. Calcutta-15.	Tea-chest metal fittings.	IS : 10-1964 Specification for plywood tea-chests (second revision)
19	CM/L-1820 25-10-1968	1-11-68	31-10-69	M/s. United Pulverisers, Bodla, Agra-7.	DDT Dusting powders	IS : 564-1961 Specification for DDT dusting powders (revised)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
20	CM/L-1821 25-10-1968	1-II-68	31-10-69	M/s. Motilal Pesticides (India). Masani - Delhi Road, Mathura.	BHC Dusting powders	IS : 561-1962 Specification for BHC Dusting powders (second revision)
21	CM/L-1822 28-10-1968	1-II-68	31-10-69	M/s. Katia Steel Rolling Works, 613, B.T. Road, Agarpara, 24, Parganas, having their office at 93 Park Street, Calcutta-16.	Hot Rolled steel strips (baling)	IS : 1029-1956 Specification for hot rolled steel strips (baling)
22	CM/L-1823 31-10-1968	1-II-68	31-10-69	The Hindustan Wood Indus- tries, Vallamkulam East P.O., (Via Tiruvalla), Alleppey Dis- trict, Kerala State.	Tea-chest plywood panels	IS : 10-1964 Specification for plywood tea-chests (second revision)
23	CM/L-1824 31-10-1968	1-II-68	31-10-69	M/s. Him Pine Industries, Har- rawala, District Dehra Dun having their head office at 11, Anand Chowk, Dehra Dun.	Plywood tea-chest battens	IS : 10-1964 Specification for plywood tea-chests (second revision)

[No. CMD 13 : II.]

S.O. 4258.—In pursuance of the provisions of sub-rule (2) of Rule 3 of the Indian Standards Institution (Certification Marks), Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the quarter ending 30 September 1968.

THE SCHEDULE

Sl. No.	No. of Indian Standard.	Title of Indian Standard
(1)	(2)	(3)
1	IS: 262-1967	Specification for ferrous sulphate, heptahydrate (<i>first revision</i>)
2	IS : 269-1967	Specification for ordinary, rapid-hardening and low heat portland cement (<i>second revision</i>).
3	IS : 319-1968	Specification for free-cutting brass rods and sections (<i>second revision</i>)
4	IS: 362-1968	Specification for parliament hinges (<i>second revision</i>)
5	IS : 401-1967	Code of practice for preservation of timber (<i>second revision</i>)
6	IS : 526-1968	Specification for oil of palmarosa (<i>first revision</i>)
7	IS : 814-1967	Specification for covered electrodes for metal arc welding of mild steel (<i>second revision</i>)
8	IS : 843-1968	Specification for smith's tongs (<i>first revision</i>)
9	IS : 885-1967	Common names for pesticides (<i>first revision</i>)
10	IS : 1011-1968	Specification for biscuits (<i>first revision</i>)
11	IS : 1067-1968	Specification for electroplated coatings of silver for decorative and protective purposes (<i>first revision</i>).
12	IS : 1102-1968	Specification for handloom buckram cloth (<i>first revision</i>)
13	IS : 1285-1968	Specification for wrought aluminium and aluminium alloys, extruded round tube and hollow sections (for general engineering purposes) (<i>first revision</i>).
14	IS : 1337-1968	Specification for hard chromium electroplated coating on iron and steel (<i>first revision</i>)
15	IS : 1363-1967	Specification for black hexagon bolts, nuts and lock nuts diameter 6 to 39 mm) and black hexagon screws (diameter 6 to 24 mm) (<i>first revision</i>)
16	IS : 1365-1968	Specification for slotted countersunk head and slotted raised countersunk head screws (diameter range 1.6 to 20 mm) (<i>second revision</i>)
17	IS : 1366-1968	Specification for allotted cheese head screws (diameter range 1.6 to 20 mm) (<i>first revision</i>)
18	IS : 1398-1968	Specification for packing paper, waterproof, bitumen-laminated (<i>first revision</i>)
19	IS : 1448-	Indian Standard methods of test for petroleum products (P. 4) 1968.
20	IS : 1483-1968	Specification for white bread (<i>first revision</i>)
21	IS : 1500-1968	Methods for brinell hardness test for steel (<i>first revision</i>)
22	IS : 1572-1968	Specification for electroplated coatings of cadmium on iron and steel (<i>first revision</i>)
23	IS : 1582-1968	Method for determination of scouring loss in silk textile materials.
24	IS : 1724-1968	Specification for wooden warp bobbins for rabbeth spinules (<i>first revision</i>)
25	IS : 1754-1968	Method for verification of vickers hardness testing machines (<i>first revision</i>)
26	IS : 1885 (Part XVI/Sec-2)-1968	Electrotechnical vocabulary Part XVI Lighting Section 2 General illumination, lighting fittings and lighting for traffic and signalling.
27	IS : 1942-1968	Specification for bonemeal as livestock feed supplement (<i>first revision</i>)
28	IS : 2001-1968	Specification for fixed silvered mica capacitors (<i>first revision</i>)
29	IS : 2020(Part I)-1968	Methods of chemical analysis of sillicochromium Part I analysis of silicon and chromium
30	IS : 2028-1968	Specification for open jaw spanners (<i>first revision</i>)

(1)	(2)	(3)
31	IS : 2281-1968 . . .	Method for verification of brinell hardness testing machines (<i>first revision</i>)
32	IS : 2300-1968 . . .	Specification for non-metal helmets for civil defence (<i>first revision</i>)
33	IS : 2548-1967 . . .	Specification for plastic water-closet seats and covers (<i>second revision</i>)
34	IS : 3347 (Part III/Sec 2)-1967	Dimensions for porcelain transformer bushings Part III 12 AND 17.5 kV Bushings Section 2 Metal Parts.
35	IS : 3351-1968 . . .	Methods of test for diesel engine fuel filters
36	IS : 3708 (Part II)-1968 . . .	Methods of test for natural rubber latex, part II
37	IS : 4041-1967 . . .	Glossary of terms relating to refractory materials
38	IS : 4048-1966 . . .	Density-composition tables for aqueous solutions of sulphuric acid.
39	IS : 4049-1968 . . .	Specification for formed ends for tanks and pressure vessels
40	IS : 4218 (Part I)-1967 . . .	ISO metric screw threads Part I basic and design profiles
41	IS : 4218 (Part-II)-1967 . . .	ISO Metric screw threads Part II Pitch diameter combinations
42	IS : 4218 (Part-III)-1967 . . .	ISO Metric screw threads Part III Basic dimensions for design profiles
43	IS : 4218 (Part V)-1967 . . .	ISO Metric screw threads Part V tolerances
44	IS : 4331-1967 . . .	Comparison of Indian and overseas standards for steel castings.
45	IS : 4332 (Part IV)-1968 . . .	Methods of test for stabilized soils Part IV Wetting and drying, and freezing and thawing to tests for compacted soil-cement mixtures.
46	IS : 4410 (Part IV)-1967 . . .	Glossary of items relating to river valley projects Part I drawings
47	IS : 4434-1967 . . .	Code of practice for in-situ vane shear test for soils
48	IS : 4461-1967 . . .	Code of practice for joints in surface hydel power stations
49	IS : 4492-1968 . . .	Specification for welding V-Blocks (diameter range 300 to 2000 mm)
50	IS : 4512-1967 . . .	Specification for footwear lasts, wooden
51	IS : 4521-1968 . . .	Specification for wire ropes used in oil wells and oil well drilling.
52	IS : 4522-1968 . . .	Specification for heat resistant alloy steel castings
53	IS : 4529-1968 . . .	Specification for glass tubes for medical thermometers
54	IS : 4537-1968 . . .	Test chart for capstan and turret lathes.
55	IS : 4559-1968 . . .	Specification for single operator rectifier type dc arc welder
56	IS : 4561 (Part III)-1968 . . .	Specification for oil cans Part III Feeding oil cans
57	IS : 4561 (Part IV)-1968 . . .	Specification for oil cans Part IV detachable spout oil cans.
58	IS : 4563-1968 . . .	Specification for block squares.
59	IS : 4566-1968 . . .	Specification for Methylene chloride (dichloromethane) technical
60	IS : 4567-1968 . . .	Specification for pliers terminal device, quick-grip, for artificial limbs.
61	IS : 4570-1968 . . .	Specification for crystal holders
62	IS : 4571-1968 . . .	Specification for aluminium extension ladders for fire brigade use.
63	IS : 4574-1968 . . .	Specification for fluorspar for use in metallurgical industries.
64	IS : 4579-1968 . . .	Methods of measurements on television picture tubes
65	IS : 4581-1967 . . .	Specification for phosphorus trichloride, pure and analytical reagent
66	IS : 4583-1968 . . .	Specification for plate snap gauges
67	IS : 4584-1968 . . .	Specification for brushes, hair
68	IS : 4585-1968 . . .	Specification for football boots.
69	IS : 4587-1968 . . .	Specification for respirators, cleft palate, for plastic surgery
70	IS : 4589-1968 . . .	Specification for ball clays for ceramic industry
71	IS : 4591-1968 . . .	Code of practice for installation and maintenance of escalators
72	IS : 4594-1968 . . .	Code of practice for design of portal and semi-portal wharf cranes (electrical)

(1) (2) (3)

73	IS : 4596-1968	Glossary of terms relating to oil expellers.
74	IS : 4597-1968	Code of practice for finishing of wood and wood based products with nitrocellulose and cold catalysed materials.
75	IS : 4598-1968	Method for simple bend test for aluminium and aluminium alloy sheet and strip of thickness between 0.2 mm and 7 mm.
76	IS:4599-1968	Method for drift expanding test on aluminium and aluminium alloy tubes
77	IS:4600-1968	Specification for flexible shafts
78	IS:4601 (Part I)-1968	Navigation lights for large sea-going power-driven vessels Part I Positioning and screening of lights.
79	IS:4601 (Part II)-1968	Navigation lights for large sea-going power-driven vessels Part II oil lanterns.
80	IS:4602-1968	General requirements and testing of lifeboats for less than one hundred persons.
81	IS:4603-1968	Specification for phenylethyl alcohol
82	IS:4605-1968	Specification for creape bandage
83	IS:4608-1968	Specification for brush-holding device for artificial limbs
84	IS:4609-1968	Specification for pencil-holding device for artificial limbs
85	IS:4611-1967	Specification for metallic zinc powder (zinc dust)
86	IS:4612-1968	Specification for c-hook terminal device, spring-loaded, for artificial limbs
87	IS:4613-1968	Specification for Javelins
88	IS:4614-1968	Specification for bundles
89	IS:4615-1968	Specification for switch socket-outlets (non-interlocking type)
90	IS:4616-1968	Specification for sheeps foot roller
91	IS:4617-1968	Grading for linseed for oil milling
92	IS:4618-1968	Grading for castor seeds for oil milling
93	IS:4619-1968	Grading for MAHUA kernels for oil milling
94	IS:4620-1968	Grading for cottonseeds for oil milling
95	IS:4621-1968	Specification for indicating bolts for use in public baths and laboratories
96	IS:4624-1968	Specification for dehydrated peas
97	IS:4625-1968	Specification for dehydrated carrots
98	IS:4626-1968	Specification for dehydrated potatoes
99	IS:4627-1968	Specification for dehydrated cabbage.
100	IS:4628-1968	Specification for dehydrated okra (<i>Bhindi</i>)
101	IS:4629-1968	Specification for blankets, plain or check, wool khadi
102	IS:4630-1968	Specification for barbell set
103	IS:4631-1968	Code of practice for laying of epoxy resin floor toppings
104	IS:4632-1968	Specification for square sliders for stitch regulators for sewing machines for household purposes
105	IS:4634-1968	Method for testing performance of batch-type concrete mixers
106	IS:4635 (Part I)-1968	Method for determination of colour fastness of textile Materials to vulcanizing Part I with hot air
107	IS:4635 (Part II)-1968	Method for determination of colour fastness of textile materials to vulcanizing part II with sulphur monochloride
108	IS:4636-1968	Method for determination of colour fastness of textile materials to dry-heat treatments
109	IS:4637-1968	Method for determination of colour fastness of textile materials to steam under pressure
110	IS:4638-1967	Specification for seamless rectangular fish tins
111	IS:4639-1968	Glossary of petroleum terms
112	IS:4640-1968	Method for designating netting yarns in the tex system
113	IS:4641-1968	Method for describing and designating knotted netting for fishing nets
114	IS:4642-1968	Specification for ball, pebble and tube mills

(1)	(2)	(3)
115	IS:4643—1968	Specification for ball, suction wrenches for fire brigade use
116	IS:4644—1968	Code of safety for benzene, toluene and xylene
117	IS:4645—1968	Code of practice for storage of paper and board
118	IS:4646 (Part I)—1968	Methods of chemical analysis of copper- phosphorous brazing alloys Part I Analysis for silver and copper.
119	IS:4647—1968	Specification for detachable steel ladder for inland vessels
120	IS:4648—1968	Guide for electrical layout in residential buildings
121	IS:4649—1968	Specification for adaptors for flexible steel conduits
122	IS:4650—1968	Specification for wooden anvil blocks
123	IS:4652—1968	Specification for ethyl p-hydroxybenzoate for cosmetic industry
124	IS:4653—1968	Specification for Methyl p-hydroxy benzoate for cosmetic industry
125	IS:4655—1968	Method for determination of iron and chromium in textiles
126	IS:4656—1968	Specification for from vibrators for concrete
127	IS:4657—1968	Specification for ring device for artificial limbs
128	IS:4658—1968	Specification for coated paper and board (art and chromo)
129	IS:4659—1968	Specification for wire reel for inland vessels
130	IS:4661—1968	Glossary of terms used in paper trade and industry
131	IS:4663—1968	Specification for permanent rubber-based adhesives for footwear industry
132	IS:4664—1968	Specification for pulp board
133	IS:4666—1968	Specification for electric passenger and goods lifts
134	IS:4668—1968	Specification for ammonium nitrate for explosives
135	IS:4669—1968	Methods of test for polyvinyl chloride resins
136	IS:4671—1968	Specification for expanded polystyrene for thermal insulation purposes
137	IS:4672—1968	Specification for grease cups
138	IS:4673—1968	Specification for wick feed lubricators
139	IS:4675—1968	Specification for light split-hook device for artificial limbs
140	IS:4676—1968	Specification for workshop tool-holding device for artificial limbs
141	IS:4677—1968	Specification for steering appliance for artificial limbs
142	IS:4678—1968	Specification for universal device for artificial limbs
143	IS:4679—1968	Specification for spatula, plaster, dental, curved and straight.
144	IS:4680—1968	Specification for spatula, wax, dental, No. 2
145	IS:4681—1968	Method for determination of wrinkle recovery of fabrics (by measuring crease recovery angle)
146	IS:4682 (Part I)—1968	Code of practice for lining of vessels and equipment for chemical processes Part I Rubber lining.
147	IS:4683—1968	Specification for chilled iron shot and grit for use in foundries
148	IS:4685 (Part I)—1968	Specification for varnish bonded glass-fibre covered copper conductors Part I round wires
149	IS:4687—1968	Specification for gland packing asbestos
150	IS:4689—1968	Specification for enamel hatchet, dental, no.ch 1/2
151	IS:4693—1968	Specification for steel accessories for marine piping systems
152	IS:4698—1968	Code of practice for seaworthy packing of unmanufactured cigarette type tobacco
153	IS:4711—1968	Methods for sampling of steel pipes, tubes and fittings
154	IS:4714—1968	Specification for scalers, dental, no.sc 1/2, 3/4 and 5/6
155	IS:4716—1968	Specification for probes, dental, no. pr 1,2,3,4,5, 6/7 and 8/9

[No. CMD/13:3.]
(DR.) A.N. GHOSH,
Director General,

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 16th November 1968

S.O. 4259.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the (1) Master Stevedores Association (2) Calcutta Stevedores Association (3) Messrs C. Laurie and Company, Calcutta, (4) Messrs H. D. Mukherjee and Company Private Limited and their workmen, which was received by the Central Government on the 7th November, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 26 OF 1968

PARTIES:

- (1) Master Stevedores Association.
- (2) Calcutta Stevedores Association.
- (3) Messrs C. Laurie and Company, Calcutta.
- (4) Messrs H. D. Mukherjee and Company Private Ltd

AND

Their workmen.

PRESENT:

Shri B N Banerjee, *Presiding Officer.*

APPEARANCES:

On behalf of Employers, Shri B. C. Chatterjee for Calcutta Master Stevedores Association.

Shri S. S. Aiyar for Master Stevedores Association.

On behalf of Workmen, Shri P. K. Ganguly for National Union of Waterfront Workers.

STATE: West Bengal.

INDUSTRY: Port & Dock.

DECISION

By-Order No. 28(119)/66-TRIV Part II, dated March 4, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), exercised its powers under Section 36A of the Industrial Disputes Act, 1947 and made the following reference before this tribunal:

"Whereas an industrial dispute between the (1) Master Stevedores Association (2) Calcutta Stevedores Association and their members (3) Messrs C. Lauries and Company, Calcutta (4) Messrs H. D. Mukherjee and Company Private Limited, Calcutta and their workmen was referred for adjudication to the Industrial Tribunal, Calcutta, and its award was published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3652 dated the 28th September, 1967;

And whereas in the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said question for decision to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act

SCHEDULE

Whether the award in reference No. 149 of 1966 published with the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No S.O. 3652 dated the 28th September, 1967 directs the employers to make payment of subsequent increases in additional dearness allowance granted from time to time or limits it to the payment amount specified in paragraphs 10 and 11 of the said award."

2. It is necessary for me to set out, at this stage, the circumstances which gave rise to the difficulties, occasioning the present reference to this tribunal. As far back as November 11, 1964 the Central Government constituted a Central Wage Board for Port and Dock Workers at Major Ports. The Board submitted their recommendations for interim relief (which was marked as Ext. 2 in Reference No. 149 of 1966) on April 9, 1965. In clause I of its conclusions, they indicated the categories of employees connected with Port and Dock work at major ports to whom their recommendations should apply. In clause II of their conclusions they observed:

"II. All categories of employees mentioned in clause I, who are getting dearness allowance at the rates applicable to Government employees, should continue to be paid dearness allowance on the pattern of the dearness allowance of the Central Government employees. As and when the Government revises the dearness allowance rates for its employees, these workmen should also be paid dearness allowance at such enhanced rates. This practice should be followed till the final recommendations of the Board come into effect."

In clause III(A) they further observed:

"III(A). If any categories of employees are not being paid dearness allowance at Government rates, such categories of employees should also be paid dearness allowance from 1st October 1964 at the following rates:

(Particulars of pay range and dearness allowance omitted by me)

Provided that:

- (i) If a different scheme of dearness allowance is applicable to any employee and if under that scheme these employees have received from 31st January, 1964 an increase in dearness allowance not less than the increases in dearness allowance mentioned in the above rates, no further increase in dearness allowance would be payable to such employees. If it is otherwise, the increase in dearness allowance should be paid from 1st October, 1964 at rates equal to the difference between the rates in clause (A) above and the increased rates received by them.
- (ii) employees who are being paid consolidated wages or who are piece-rated workers, should be paid a minimum dearness allowance of Rs. 7.50 per month from 1st October, 1964. However, wage differentials, if any, between higher and lower paid workers in the same channel of promotion should be taken into account for calculating the amount of dearness allowance payable under Clause (A)."

In clause III(B) they also observed:

"III(B) Employees mentioned in provisos (i) and (ii) above should be paid increase in dearness allowance as and when the Central Government grant increases in the dearness allowance rates applicable to its employees on the same principle as mentioned in proviso (i).

3. After the publication of the above recommendations an industrial dispute arose between the employers in relation to (1) Master Stevedores Association and their members, (2) Calcutta Stevedores Association and their members, (3) M/s. C. Laurie & Company, Calcutta and their workmen and (4) M/s. H. D. Mukherjee and Company Private Limited, Calcutta and their workmen, over eligibility to the interim reliefs recommended by the Wage Board and the Central Government referred the dispute to this Tribunal, then presided over by Mr. S. K. Sen, for adjudication, in the following language:

"Whether the following categories of workers under the employment of different stevedores or listed employers are entitled to get the interim relief and dearness allowance as recommended by the Central Wage Board for Port and Dock Workers. If so, from what date?

- (i) Supervisors.
- (ii) Assistant Supervisors.
- (iii) Attendance clerks.
- (iv) Table staff (such as ships clerks, Boat Inspectors, Sorting Clerks, Measurement Clerks, Plan-makers).
- (v) Riggers.
- (vi) Cleaning workers.
- (vii) Marksmen.
- (viii) Carpenters.
- (ix) Gear workers.

(x) Watchmen.

(xi) Indoor staff (such as office clerks, peons drivers, etc. attached to office of stevedores or listed employers)."

Mr. Sen made his award on September 19, 1967. In paragraph 10 of his award, Mr. Sen dealt with the date from when the interim recommendations of the Wage Board should be made applicable. He disposed of the question in the following language:

"*** It should be pointed out that the Government resolution adopting the interim recommendation of the Central Wage Board did not contain any mandatory directive on the employers to adopt the recommendations. The Government merely requested the concerned employers to implement the same as early as possible vide copy of the Resolution WB-21(13)/65 dated 27th April, 1965. It is not necessary therefore that effect should be given to the recommendations from the date originally proposed by the Central Wage Board. It would be sufficient in the interest of justice to make the award applicable from the 1st of April 1967, i.e. the beginning of the financial year next after the date of the order of reference."

His award on the dispute referred to him is virtually contained in paragraph 11, which I set out below:

"11. My award, therefore, is that the workmen of the categories mentioned in clauses (i) to (x) of the reference order are entitled to the interim relief of Rs. 11.80 per month, and the workmen mentioned in clause (xi) attached to the office of listed employers are also entitled to such interim relief but not the indoor staff attached to office of registered firms of stevedores who are not also listed employers. In the case of workmen of categories like Supervisors, office clerks, etc. who are being paid dearness allowance by agreement with the employers, and workmen like report writers whose D.A. was settled by an award in 1965, they shall not be entitled to the dearness allowance under the interim recommendation of the Central Wage Board. Other workmen shall be entitled to the dearness allowance at the rate of Rs. 7.50 per month. Where any category of workers are not employed direct under the listed employers but under contractors having contract under such employers, such employer shall not be liable to pay the interim relief and the dearness allowance. It is recommended that they should try to ensure that the contractors under them give to the workers the interim relief and dearness allowance at the scale of which they are entitled. The interim relief and dearness allowance under this award shall be paid to the different categories of workers with effect from 1st April, 1967. Where the workers are daily rated, the interim relief per day will be 1/26th of the amount fixed by the Central Wage Board unless the workmen of the particular category enjoys paid weekly holidays, in which case the amount shall be 1/30th of the amount fixed by the Central Wage Board."

4. The point of interpretation of the aforesaid award, which has been referred to this tribunal under Section 36A of the Industrial Disputes Act, is whether the award by Mr. S. K. Sen directs the employers to make payment of subsequent increases in additional dearness allowance granted from time to time or limits to the payment of amount specified in paragraphs 10 and 11 of the said award.

5. Before the tribunal presided over by Mr. S. K. Sen, one of the parties to the dispute was Calcutta Stevedores Association and their members. In the reference before the tribunal presided over by myself, the Calcutta Stevedores Association was also a party. Subsequently, there is an affidavit filed before this tribunal stating:

"By adopting resolution passed on 6th day of August, 1968 held at a meeting at P-11, Mission Row Extension, Calcutta-1, the Calcutta Stevedores Association has altered its nomenclature to Calcutta Master Stevedores Association (from its former nomenclature Calcutta Stevedores Association)."

At the hearing before this tribunal, Calcutta Stevedores Association, under its changed nomenclature of Calcutta Master Stevedores Association, appeared through its authorised representative, Mr. Balai Ch. Chatterjee. The Master Stevedores Association was represented by Mr. S. S. Aiyar. The workmen were represented by the National Union of Waterfront Workers and appeared through Mr. P. K. Ganguli, the Jt. General Secretary of the union.

6. Written statements were filed on behalf of the workmen as also on behalf of the Calcutta Master Stevedores Association and Master Stevedores Association. In paragraphs 13, 14, 15 and 16 of the written statement filed on behalf of the workmen, the stand taken by them was is:

"13. That it will be observed from the foregoing paragraph (meaning paragraph 11 of the award) that for the other workmen (i.e. other than Supervisors, Office

clerks etc.) the Honourable Tribunal had awarded the dearness allowance at the rate of Rs. 7.50 per month (the underlining of the word 'the' is of the Union).

14. That as shown above various rates of dearness allowance had been prescribed by the said Wage Board depending on the salaries or wages of different categories of workers.
15. That the Honourable Tribunal by mentioning "the dearness allowance at the rate of Rs. 7.50 per month" had only fixed the status and entitlement of the 'other workmen' in the various slabs of dearness allowance as appearing in paragraph III(A) of the recommendations of the said Wage Board.
16. That the recommendations of the said Wage Board in respect of workmen getting dearness allowance from before and/or consolidated wages have been indicated in paragraph III(A) (i) & (ii) of such recommendations and in paragraph II(B) such workmen have been made entitled to subsequent increases in dearness allowance."

I need not deal with other paragraphs of the said written statement because the above four paragraphs were the only paragraphs which were relied upon by Mr. P. K. Ganguly in support of his stand.

7. In the written statement filed by the Master Stevedores Association it was stated in paragraph 3:

- "(3) That the Honourable Tribunal had the necessary jurisdiction to determine the date from which the Employers were to grant the benefits of the recommendations of the Central Wage Board for Port and Dock Workers inasmuch as in the order of reference No. 28(119)/66-LRIV dated 19th November, 1966, the Central Government had directed the Honourable Tribunal to decide the date from which the Workmen were entitled to get the interim relief and dearness allowance as recommended by the Central Wage Board for Port & Dock Workers.

It is further stated in paragraph 4 of the said written statement:

- "(4) That the Association refers to the submissions made by the Union in paragraphs 12, 13 and 17 of its written statement and submits that in respect of the categories of workers like Supervisors, Office clerks etc. a clarification as to whether such categories of workers would be eligible to the subsequent increases in additional dearness allowance is not required in view of the orders of the Honourable Tribunal in para 11 of the Award which reads as follows:

"In the case of workmen of categories like Supervisors, Office clerks etc. who are being paid dearness allowance by agreement with the Employers, and workmen like report writers whose D.A. was settled by an Award in 1965, they shall not be entitled to the dearness allowance under the interim recommendations of the Central Wage Board."

In paragraphs 8 and 9 of the said written statement it is also stated:

- "(8) That the Association submits that what this Honourable Tribunal is required to decide is whether the Workmen concerned would be entitled to receive the increases in additional dearness allowance made from time to time subsequent to the date fixed in the said Award or whether it is limited to the amount of dearness allowance specified in the said Award.
- (9) That the Association submits that as the Honourable Tribunal had already considered the question of the date from which the recommendations of the Central Wage Board for Port & Dock Workers should be given effect to and had come to the conclusion that it would be sufficient in the interest of Justice to make the Award applicable from the 1st April, 1967, the Award has to be treated as final."

The written statement submitted by the Calcutta Stevedores Association (now Calcutta Master Stevedores Association) is repetitive of the statement filed by the Master Stevedores Association.

8. This is the state of pleadings in this reference. No documents were exhibited, excepting that I was asked to take notice of the Wage Board recommendations (marked Ext. 2 in Reference No. 149 of 1966).

9. Mr. Ganguly, for the workmen, made it clear that the provisions for "subsequent increases in additional dearness allowance granted from time to time" were all contained in

Clauses II and III(B) of the Recommendations of the Wage Board, which I have hereinbefore set out. He further made it clear that the claim of the workmen for payment of 'subsequent increases in additional dearness allowance' was limited to and based on Clause II and III(B) only and on no other part of the Recommendations. He submitted that the language of paragraph 11 of Mr. Sen's award, clearly indicated that the intention was bodily to engraft the provisions of clauses II and III(B) of the Recommendations in the award. He emphasised upon the use of the definite article 'the' in the following sentences of paragraph 11:—

- (a) that the workmen of the categories mentioned in clause (i) to (x) of the Reference order are entitled to the interim relief of Rs. 11.80 per month and the workmen mentioned in clause (xi) attached to the office of listed employers are also entitled to such interim relief.
- (b) in the case of workmen of categories like Supervisors, office clerks, etc. which have been paid dearness allowance by agreement with the employers and the workmen report writers whose D.A. was settled by an award in 1965, they shall not be entitled to the dearness allowance under the interim recommendations of the Central Wage Board.
- (c) other workmen shall be entitled to the dearness allowance at the rate of Rs. 7.50 per month.
- (d) the interim relief and dearness allowance under this award shall be paid to different categories of workers with effect from 1st April, 1967.

(underlined by me for emphasis)

and submitted that the above sentences supplied good internal evidence from which it would be reasonable to hold that the entirety of the recommendations of the Wage Board, including provision for payment for subsequent increases in additional dearness allowance, as in clauses II and III(B) of the recommendations, were made applicable to the workmen under the award of Mr. Sen. Mr. Aiyar, who appeared for the Master Stevedores Association submitted that the too much stress should not be laid on the word 'the' and the use of the article should not be taken to attract the provisions of clauses II and III(B) of the Board's Recommendations to the award. He further submitted that on a true construction of paragraph 11 it should be held that the provisions of clauses II and III(B) stood excluded because the language used in paragraph 11 of Sen tribunal award was, for example:

- (a) .. entitled to the interim relief of Rs. 11.80 per month;
- (b) to the dearness allowance at the rate of Rs. 7.50 per month.

According to him the definite article 'the' was used before the expressions 'interim relief' or 'dearness allowance' in order to indicate the particular dearness allowance or the particular interim relief mentioned in the award, namely, the sum of Rs. 11.80 or Rs. 7.50. Mr. Aiyar also submitted that the Wage Board recommendation in their entirety, were not made applicable because an important variation was introduced by paragraph 10 of the award which fixed April 1, 1967 as the date for application of the award instead of October 1, 1964, as recommended by the Wage Board.

10. Mr. B. C. Chatterjee argued more or less similarly as done by Mr. Aiyar. I am unable to uphold the arguments advanced either by Mr. Aiyar or by Mr. Chatterjee. In my reading, in the award given by Mr. Sen, he did not impose any limitation on the recommendations of the Wage Board, excepting those expressly stated by him. There is no indication in his award that the provisions of clauses II and III(B) were intended to be excluded from the award. Therefore, the appropriate interpretation of paragraph 10 and 11 of the award is that all increases in dearness allowance granted by the Central Government subsequent to April 1, 1967 would be available to the classes of workmen, who became entitled thereto under clauses II and III(B) of the Wage Board recommendations. By way of clarification I need mention that those employees only, who are mentioned in clause II and in provisos (i) and (ii) of clause III(A) of the Wage Board recommendations, became entitled to the benefits of clauses II and III(B) of the recommendations and none else. In making this interpretation I am not very much inspired by the plea of grammatical construction urged by Mr. Ganguly. The meaning of a document is found not so much in a strictly grammatical or etymological propriety of language, as in the subject or in the occasion on which they are used. It is not because the words of a document, read in one sense, will cover the case, that makes it the correct sense. Grammatically, they may cover it; but a document is to be construed according to the ordinary meaning of the words as applied to the subject matter with regard to which they are used (*Vide* Maxwell on Statutes Chapter II Section I). In my reading of the entirety of the award, as I have already stated, I do not find anything which excludes the operation of clauses II and III(B) of the recommendations of the Wage Board and there is no reason to exclude employees

from the full benefits of the Wage Board Recommendations under paragraph 11 of the award by Mr. Sen.

11. I, therefore, decide that the award in Reference No. 149 of 1966 directs the employers to make payments of subsequent increases in additional dearness allowance granted from time to time to such classes of employees as are mentioned in Clause II and provisos (i) and (ii) of clause III(A) of the Wage Board recommendations and to none else. I further decide that paragraphs 10 and 11 of the award of Mr. Sen should be read accordingly. I also decide that increases in dearness allowance subsequent to April 1, 1967 only shall be taken into account in this context and not increases anterior thereto because the award of Mr. Sen made the Wage Board Recommendations applicable only from April 1, 1967.

This is my decision.

Dated, November 1, 1968.

(Sd.) B. N. BANERJEE, Presiding Officer.

[No. 28/119/66-LR.IV Pt.II.]

New Delhi, the 18th November 1968

S.O. 4260.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby constitutes an Advisory Committee for the State of Andhra Pradesh with the following as members, namely :—

- | | |
|---|---|
| 1. Labour Minister, State of Andhra Pradesh, Hyderabad. | Chairman |
| 2. Deputy Commissioner of Labour, Andhra Pradesh, Hyderabad. | Vice-Chairman |
| 3. Shri G. Sanjiva Reddy, MLA, Andhra Pradesh, 6/B LIGH, Barkatpura, Hyderabad. | Member of the Legislative Assembly. |
| 4. The Managing Director, Andhra Pradesh Mining Corporation, Hyderabad. | } Representatives of the Iron Ore Mines Owners of Andhra Pradesh. |
| 5. Shri T. V. Siviah, Mine Owner, P.O. Veldurthi, Kurnool District | |
| 6. Shri S. Narayana Reddy, President, Iron Ore Mine Workers Union, Bayyavaram Post, Khammam District. | } Representatives of Iron Ore Mines Workers of Andhra Pradesh. |
| 7. Shri Pillalamarri Venkateswarlu, Jaggayyapet, Krishna District. | |
| 8. Shrimati Rama Kumari Devi, Member, Legislative Assembly, Andhra Pradesh, 'Ruby House', Opposite Zilla Parishad Office, Vishakhapatnam. | Women representative |
| 9. The Assistant Welfare Administrator, Iron Ore Mines Labour Welfare Fund, Andhra Pradesh. | Secretary |

2. In pursuance of rule 18 of the Iron Ore Mines, Labour Welfare Cess Rules, 1963, the Central Government hereby fixes Hyderabad to be the head quarters of the said Advisory Committee

[No. F.10/26/68-M-III.]

New Delhi, the 19th November 1968

S.O. 4261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the Industrial Dispute between Messrs. D. B. Khona, Steamer Agents, Cochin and their workmen represented by the Port and Steamer Workmen's Association, Cochin which was received by the Government on the 13th November, 1968.

IN THE MATTER OF ARBITRATION IN THE INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENT OF M/S. D. B. KHONA, STEAMER AGENTS, COCHIN AND THEIR WORKMEN REPRESENTED BY THE PORT AND STEAMER WORKMEN'S ASSOCIATION, COCHIN UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947, REGARDING ALLEGED DENIAL OF EMPLOYMENT TO SHRI THOMAS T. PETER FROM SEPTEMBER 1966.

PRESENT:

Shri R. Venkatesan, Deputy Chairman, Madras, Dock Labour Board,

AND

Arbitrator.

PARTIES:

Employers in relation to:

M/s. D. B. Khona, Steamer Agents, Cochin-2

Vs.

Their Workmen represented through Port & Steamer Workmen's Association, Cochin-1.

APPEARANCES:

For employer:

Shri N. V. Venkateswaran, Shipping Manager, M/s. D. B. Khona, Steamer Agents, Cochin-2.

For Workmen:

1. Shri Donald Clements, Secretary, Port & Steamer Workmen's Association, Cochin-2.
2. Shri Joseph Franklin, Advocate.
3. Shri Thomas T. Peter, Ex-Asstt. Supervisor.

INDUSTRY: Port and Dock.

STATE: Kerala.

The Central Government, having received on 26th April, 1968, a written agreement dated 17th April, 1968 between the employers in relation to M/s. D. B. Khona, Steamer Agents, Cochin-2 (hereinafter referred to as management) and their workmen represented by the Port & Steamer Workmen's Association, Cochin (hereinafter referred to as Association) in pursuance of the provision of sub-section (1) of section 10-A of the Industrial Disputes Act, 1947 (14 of 1947), referring the Industrial Dispute between them, the specific matters in dispute being as detailed below, to my arbitration as Regional Labour Commissioner (Central), Madras, and the Central Government being of the opinion that the industrial dispute referred to above, existed between the said management and their workmen, ordered publication of the said arbitration agreement in the Gazette of India, Part-II, Section-3, Sub-section (ii) under its Notification No. 29/21/68-LR.III dated 8th May, 1968.

"Whether it is a case of denial of employment to Shri Thomas T. Peter, Assistant Supervisor from September, 1966 by the management of M/s. D. B. Khona, Steamer Agents, Cochin-2 or whether it is a case of voluntary stopping away from duty by Shri Thomas T. Peter, as alleged by the management. If it is a case of the former, to what relief is the workman entitled?"

It was agreed by the parties that the Arbitrator should make his award within a period of three months or within such further time as is extended by mutual agreement between them in writing. It was also agreed by the parties that the decision of the Arbitrator shall be binding on them. In spite of my subsequent transfer on deputation as Deputy Chairman, Dock Labour Board, Madras thereby ceasing to be Regional Labour Commissioner (Central), Madras the parties agreed on 15th October, 1968 that I should proceed to deal with the dispute by way of arbitration. They also agreed to extend the time limit for making my award till 15th November, 1968.

Shri N. V. Venkateswaran, Shipping Manager, M/s. D. B. Khona, Steamer Agents, Cochin, submitted to me a written statement dated 12th June, 1968 on behalf of the management and the Secretary, Port and Steamer Workmen's Association, Cochin-2. submitted to me a written statement dated 22nd June, 1968 and rejoinder dated 16th October, 1968, on behalf of the workman. The dispute was taken up by me for hearing on 25th July, 1968 and 15th October, 1968 at Ernakulam.

According to the case of the Association, Shri Thomas T. Peter, was working under M/s. D. B. Khona, Steamer Agents, Cochin-2 as Assistant Supervisor continuously from 1954 and that the management denied him employment from September, 1966 without assigning any reasons or following principles of natural justice.

According to the management Shri Thomas T. Peter, was working as a Clerk on casual basis engaged by their Supervisor from time to time on board the vessels under their Agency from 1955 and his main work was preparation of mate's receipts, boat notes, cutcha manifestas, that in 1963 the Agency of Great Eastern Shipping Company Limited was taken over from them by Messrs Harrisons and Crosfield Limited and consequently the work load was considerably reduced, that around that time the Cochin Dock Labour Board was processing the lists of tally clerks and clerks (table clerks) for the purpose of decasualisation, that Shri Thomas T. Peter had voluntarily enlisted with the Cochin Dock Labour Board, among other tally clerk/clerks who were also being casually engaged by M/s. D. B. Khona, that they have reasons to believe that Shri Thomas T. Peter, had registered his name and was accepted by the Cochin Dock Labour Board, that even after his registration under the Cochin Dock Labour Board, Shri Thomas T. Peter used to be engaged casually and sporadically by their Supervisor, that he was not regular in attending to his duties and he was found working on the vessels of other agencies, that from September, 1966 Shri Thomas T. Peter did not offer himself for employment with this management and that it was a case of voluntary staying away from duty and not a case of denial of employment.

The Association in their rejoinder denied the above contention of the management and stressed that Shri Peter was working under them as Assistant Supervisor continuously from 1954. In support of their contention they produced the photo pass issued to Shri Peter by the Traffic Manager, Cochin Dock Labour Board, wherein he was designated as an employee of M/s. D. B. Khona and two other references (i) a letter written by the management to one Kesava Iyer and to the affected workman on 29th September, 1968 wherein it was alleged that these workers were not properly maintaining the boat notes and tally sheets in lifting of the vessels, and they were directed to see that boat note, and relatively tally sheets were properly tied and labels were placed in each vessel dockets and not dumped anywhere in the board; and (ii) letter dated 24th October, 1962 by the management addressed to the Secretary, Cochin Dock Labour Board in reply to a communication from the Cochin Dock Labour Board, wherein the names of Shri Kesava Iyer and Thomas T. Peter were furnished as their Supervisors. Therefore, the Association pleaded that Shri Thomas T. Peter was under the continuous employment of this management from 1954 as Assistant Supervisor and that he was denied employment from September, 1966.

The only question for determination as per the terms of reference, is whether it is a case of denial of employment to Shri Thomas T. Peter by the management of M/s. D. B. Khona or whether it is a case of voluntary stopping away from duty by Shri Thomas T. Peter. As such, the arguments by the parties with regard to length of service, nature/category of employment, etc. of the affected workman have no bearing on the issue before me. It is observed that at first Shri Thomas T. Peter had been absent from the beginning of May, 1966 continuously till September, 21st 1966. This was not denied by the Association and the affected employee when interrogated by me on 25th July, 1968. The reasons adduced by the Association for his absence was that he was sick. However, on 21st September, 1966 when he reported for work he was engaged on s.s. "Hellenic Glory" but he did not work in that vessel till completion of the work and went on board "Lovcen" on the 24th. Since this type of workmen do not get continuous employment and there will be work for them only when certain ships call at the Port, it was for the affected workman to have regularly reported himself for employment. The Association has not established any basis that the management denied his employment when he offered himself for it when there was work for him subsequent to September, 1966. On the other hand there was every reason to hold that the employee was not very particular about his employment under this management. Therefore, no question arises of the management refusing him work or justification therefor. No question of relief to the affected workman also arises. As such, I hold that Shri Thomas T. Peter voluntarily stopped away from duty from September, 1966. The Arbitration Award is made accordingly and submitted under Section 10-A of the Industrial Disputes Act, 1947.

(Sd.) R. VENKATESAN, Dy. Chairman,

Madras Dock Labour Board, and Arbitrator

Madras, Dated the 9th November, 1968

[No. 29/21/68-LR.III.]

ORDERS

New Delhi, the 21st November 1968

S.O. 4262.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs A. C. Roy and Company (Private) Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

Whether the following demands of the Assistant Supervisors of Messrs A. C. Roy and Company (Private) Limited, Calcutta are justified? If so, to what relief are they entitled, and from what date?

1. Medical facilities.
2. Travelling Allowance.

[No. 28/49/67 LR.III.]

S.O. 4263.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s. National Transport Company, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the dismissal of Shri M. K. Zackriah, Driver, with effect from the 19th May, 1968 by Messrs National Transport Company, Basin Bridge Power House, Madras-12 was justified? If not, to what relief is he entitled?

[No. 29/42/68-LR.III.]

S.O. 4264.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Santos Chandra Banerjee and Sons Private Limited, Calcutta and their workmen in respect of the matters specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the action of the management of Messrs Santos Chandra Banerjee and Sons (Private) Limited, Stevedores and Ship-Chandlers and Contractors, 7, Swallow Lane, Calcutta-1 in retrenching Shri Bindeswar Singh, Dock Peon from service with effect from the 1st December, 1967 was legal and justified.
- (ii) If not, to what relief is the workman entitled?

[No. 28/81/68-LR.III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th November 1968

S.O. 4265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the North Damodar Keesargarra Colliery of the Manbhum Coal Syndicate Private Limited, Post Office Nudkurkee, District Dhanbad and their workmen, which was received by the Central Government on the 8th November, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

Present :

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 96 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the North Damodar Keesargarra Colliery of the Manbhum Coal Syndicate Private Limited, Post Office, Nudkharkee, District Dhanbad.

AND

Their workmen.

APPEARANCES :

For the employers: Shri S. S. Mukherjee, Advocate.

For the workmen: Shri S. S. Kapur, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 2nd November, 1968

11th Kartika, 1890 Saka.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the North Damodar Keesargarra Colliery of the Manbhum Coal Syndicate Private Limited, Post Office Nudkharkee, District Dhanbad and their workmen by its order No. 2/140/65-LRII dated 4th January, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

- (1) Whether the dismissal of Shri Ram Vyas Gope, with effect from 13th October, 1965, by the management of North Damodar Keesargarra colliery of the Manbhum Coal Syndicate Private Limited, was an act of victimisation?
- (2) If so, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 2 of 1966 on its file. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 96 of 1967. Employers as well as the workmen filed their statement of demands.

3. Shri Ram Vyas Gope (hereinafter referred to as the affected workman) was a workman at North Damodar Keesargarra colliery of the employers. He did not attend to his duty from 22nd July, 1965 without any permission or authorised leave. The employers issued a letter dated 28th July, 1965 calling upon him to report to duty within 2 days and stating that in default he would be proceeded with by disciplinary action. The affected workman sent a reply stating that the Agent of the colliery called him and told him on 22nd July, 1965 that he was stopped from work with effect from that date as he had become a member of Colliery Mazdoor Sangh. The employers wrote back on 3rd August, 1965 denying the allegation made by the affected workman and asking him again to report for duty at once. At the same time it was also mentioned that necessary disciplinary action would be taken in case he failed to comply with the direction. On 20th August, 1965 the employers issued a charge-sheet to the affected workman. The reply sent by the affected workman to the charge-sheet was on 24th August, 1965. It was submitted therein that the Manager had stopped the affected workman from work with effect from 22nd July, 1965 on the ground that the affected workman had become a member of Colliery Mazdoor Sangh and stating at the same time that the affected workman was always eager to work provided he was given his job of a loading clerk and was paid full wages for his forced idleness from 22nd July, 1965. Thereafter a domestic enquiry was held on 3rd September, 1965 and as a result of the finding of the Enquiry Officer the affected workman was dismissed from service through the letter of the Manager dated

13th October, 1965 with immediate effect. These facts are not in dispute. The case of the employers is that when the affected workman persisted in absenting with effect from 22nd July, 1965 inspite of several letters, the management was justified in starting a domestic enquiry against him, that the domestic enquiry was held in accordance with the principles of natural justice, that in the domestic enquiry the misconduct of the affected workman was satisfactorily established and that the dismissal of the affected workman in pursuance of the finding of the Enquiry Officer was bonafide and just. The workmen filed their statement stating that when the puppet union, bolstered up and functioned through the help of the employers, did not function properly and when the affected workman along with others started enrolling members and establishing a branch of Colliery Mazdoor Sangh at the colliery, the employers stirred and started taking measures to curb and stifle this union, that the Agent of the Agent of the colliery called the affected workman in his office on 22nd July, 1965 and told him to give up his alignment with the union and threatened to stop him from working in case he did not comply with the direction, that the affected workman was stopped from work with effect from 22nd July, 1965 that the subsequent letters issued by the employers were only meant to cover up their misdeeds, that the domestic enquiry held by the employers was stage-managed, perfunctory and against the principles of natural justice, that the affected workman had been working as a loading clerk for a long time and that the dismissal of the affected workman was malafide and an act of victimisation. It is also mentioned in the statement that even though the affected workman had been working as a loading clerk the employers had shown during the conciliation their preparedness to take him as a chaprasi and that the union did not accept the offer because it would have lowered the affected workman and the union in the estimation of other workmen. The employers filed a rejoinder denying that the dismissal of the affected workman was an act of victimisation. They denied their knowledge that the affected workman was a member of Colliery Mazdoor Sangh or that the Agent had called him and threatened him as alleged. They denied emphatically that the affected workman was stopped from work with effect from 22nd July, 1965 or any other date. They categorically denied that he affected workman had been working as a loading clerk. According to them he had always been working as a chaprasi and the employers expressed their readiness to reemploy him as a chaprasi inspite of his having been dismissed for proved misconduct. The employers have also pleaded that the dispute involved in the reference was an individual dispute and not an industrial dispute. The workmen were represented by Shri S. S. Kapur, Advocate and the employers by Shri S. S. Mukherjee, Advocate. By consent of parties, Exts. W1 to W6 and M1 to M9 were marked. On behalf of the workmen 6 witnesses were examined and Exts. W. 7 to W10 and M10 were marked. The employers examined 2 witnesses and marked Exts. M11 to M13.

4. The case of the workmen is that the dismissal of the affected workman was an act of victimisation, which means that the reason apparent from the dismissal order is not the real reason and the real reason is the trade union activity of the affected workman or some other extraneous reason. The employers have emphatically denied that the dismissal of the affected workman was an act of victimisation and asserted that the dismissal was for the misconduct viz. absence without sufficient reason for more than 10 days without permission or authorised leave. It emerges from the admitted facts that the affected workman did not attend to his duty from 2nd July, 1965 inspite of the letters of the employers, Exts. M1 and M3. The case put forth by the workmen as well as the explanation Ext. M5 submitted by the affected workman to the charge-sheet clearly shows that the affected workman justified his absence on the ground that he was not given the job of a loading clerk which he was holding since long. It also appears from the failure report of the Assistant Labour Commissioner (C), Dhanbad-1 that during the conciliation proceedings the employers were prepared to take back the affected workman to duty as chaprasi but the union was not agreeable, insisting upon their case that the affected workman was a loading clerk and that the same job should be restored to him. Therefore, the only points emerging for consideration are whether the affected workman had been working as a loading clerk and as such was justified in refusing to report to duty as a chaprasi from 22nd July, 1965 and whether the act of the employers in stopping the affected workman from work from 22nd July, 1965 as a loading clerk was with a view to victimise him for his trade union activities.

5. The onus was lying on the workmen to establish that till 22nd July, 1965 the affected workman had been working as a loading clerk. The affected workman is examined as WW4. He has deposed that in 1961 he was given the job of a loading clerk by the Manager, Shri Bindeshwari. On his own showing no order was given to him to work as such. From 1961 to 22nd July, 1965 he was drawing a salary of Rs. 75/- or Rs. 80/- per month, which he was drawing as a chaprasi. He did not also submit any written complaint to any one against payment of his salary as a chaprasi inspite of his working as a loading clerk for as long a period as more than 4 years. He says that he had complained orally to the Agent, Shri B. D. Bahal. But Shri B. D. Bahal, MW. 2 has

deposed that at no time the affected workman had complained to him that he was paid less wages or that he was wrongly designated. The affected workman, WW. 4 is categorical in his deposition that he has no record to show that he was appointed as a loading clerk or that he worked as such, except Exts. W7 and W. 8. Exts. W. 7 and W. 8 are testimonials given to the affected workman respectively by WW. 1 and WW. 2. WW. 1 was the Manager of North Damoda Colliery from 11th April, 1963 to 25th August, 1965. He says that the affected workman was working as a loading clerk actually although his designation was that of a chaprasi. He has admitted his signature on the monthly pay-sheet for January, 1965, Ext. M10, stating that he did so with full responsibilities as the Manager. In this pay-sheet, Ext. M10 the affected workman is described as a chaprasi. WW. 1 worked in the colliery till 25th August, 1965 and the testimonial, Ext. W. 7 is also under the same date. But it is an admitted case of the workmen that from 22nd July, 1965 the affected workman was absent from duty. In spite of it the testimonial, Ext. W. 7 says that the affected workman "is working in this concern". According to the witness, WW. 1 the duties of a loading clerk included in them preparation of loading bills and issue of measurement slips. WW. 2 who worked as the Manager in Kessurgatrah colliery from October, 1963 to July 1964 also says that preparation of rough loading bills and issue of measurement slips were the duties of a loading clerk. But the affected workman, WW. 4 admits categorically that as a loading clerk he never prepared loading bills or measurement slips, explaining that there was a separate clerk for preparing loading bills. The evidence of WW. 2 in respect of the testimonial, Ext. W. 8 is simply superfluous. His evidence is that he might have given the testimonial, Ext. W. 8 to the affected workman as at the time of his leaving the colliery he gave such certificates to a lot of workmen, that he does not know the handwriting in Ext. W. 8, that it was not written to his dictation, that he did not verify the contents of Ext. W. 8 or any other certificates signed by him and that he had signed Ext. W. 8 when it went before him. He has also conceded that during his period at the colliery he was not concerned with the loading work but Shri B. D. Bahal, MW. 2 was to king after the loading work. It therefore follows that he had no knowledge about the persons working in the loading section but he had signed the testimonial, Ext. W. 8 mechanically when it was placed before him. Thus, the testimonials, Exts. W. 7 and W. 8 have no value whatsoever. There is no other evidence brought on record to support the evidence of the affected workman that he worked as a loading clerk. The employers have produced documentary evidence to rebut the case set up by the workmen. Ext. M7 is a form B register maintained in accordance with Rule 77 of the Mines Rules. The name of the affected workman finds place a Sl. No. 18. The affected workman has admitted his signature in the register against his name saying, that he knew what a form B Register is. As I have already pointed out, Exts. M. 8 and M. 10 are also statutory pay-sheets for 1964 and 1965 and WW. 1 has admitted his signature on Ext. M. 10 with full responsibilities as the Manager. MW. 2 has proved the signature of Shri S. N. Sahay, the Labour Inspector (C) on Ext. M. 10 and it is Ext. M. 10(a). In all these registers the affected workman is shown only as a chaprasi. The workmen did not call for any documents from the employers. In short, the workmen could not succeed to prove that the affected workman ever worked as a loading clerk. On the other hand there is statutory and admitted documentary evidence to show that the affected workman had worked only as a chaprasi. Thus, there was no justification on the part of the affected workman in not reporting to duty from 22nd July, 1965 in spite of the letters, Exts. M. 1 and M. 3.

6. The workmen have examined the Assistant Secretary of Colliery Mazdoor Sangh as WW. 3 and 2 workmen of the colliery as WWs. 5 and 6 in addition to the affected workman, WW. 4. From the evidence of these witnesses it emerges that a branch of Colliery Mazdoor Sangh was established at the colliery and the affected workman had a part in enrolling members to the Sangh. But this fact by itself is not sufficient to conclude that the affected workman was victimised for his trade union activities. In para 6 of their statement the workmen had alleged that the Agent of the colliery called the affected workman in his office on 22nd July, 1965 and without making any bonus told the affected workman to give up his alignment with Colliery Mazdoor Sangh and also dismissed him for the same reason with effect from the same date. In this respect the evidence of the affected workman, WW. 4 is that the management threatened him with dismissal if he did not leave the branch union of Colliery Mazdoor Sangh, that the colliery Manager whose name he did not remember and Shri B. D. Bahal threatened him as above and that the threats were made after 22nd July, 1965. Thus, there is a clear contradiction as to the date on which the alleged threats were made. There is no other witness to speak in support of WW. 4. In the statement of the workmen and in the letter, Ext. W. 2 it was stated that the threat was administered by the Agent. But in the explanation, Ext. M. 5 to the charge-sheet, addressed to the Manager the affected workman wrote "on 22nd July, 1965 you called me on and stopped my work on ground that I became a member of the Colliery Mazdoor Sangh", meaning thereby that the threat was administered by the Manager. The Agent, Shri B. D. Bahal has come into the witness box as MW. 2. He has categorically denied that on 22nd July, 1965 he called the affected workman into his office or asked him

to discontinue his membership with the Colliery Mazdoor Sangh or threatened him in default. Nothing is elicited from him in the cross-examination to contradict him. Thus, I do not find any truth in the allegation that either the Manager or the Agent had threatened the affected workman for his trade union activities or stopped him from work with effect from 22nd July, 1965.

7. As I have already pointed out, the charge-sheet, Ext. N. 4 was issued to the affected workman or committing misconduct viz. absenting without permission or leave or sufficient cause for more than 10 days with effect from 22nd July, 1965. After receiving the explanation, Ext. M. 5 from the affected workman, MW. 1 conducted the domestic enquiry and found the affected workman guilty of the charge. The charge is practically admitted by the affected workman, viz. that he had absented himself from duty from 22nd July, 1965 without any permission or authorised leave and the only justification pleaded by him was false, as held by me already. Thus, the domestic enquiry has little importance. This apart, MW. 1 has in his evidence that he held the enquiry, after notice to the affected workman, in his presence and giving him opportunity to cross-examine the management's witnesses. It is also in his evidence that the affected workman was present throughout the enquiry and gave his statement. The enquiry proceedings are Ext. N11 and the enquiry report is Ext. M12. I do not find any flaw in the enquiry or the dismissal order passed by the employer in pursuance of the finding of the Enquiry Officer. Hence, there is no room to argue that the dismissal of the affected workman was an act of victimisation for his trade union activities.

8. Shri S. S. Mukherjee, the learned Advocate for the employers, has given up his objection that the dispute involved in the reference was not an industrial dispute.

9. I, therefore, find that the dismissal of the affected workman, Shri Ram Vyas Gope with effect from 13th October, 1965, by the management of North Damodar Kessurgarrah Colliery of the Manbhum Coal Syndicate Private Limited was not an act of victimisation, and as such, the affected workman is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd/- N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal No. (2), Dhanbad.

[No. 2/140/65-LRII.]

S.O. 4266.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Western Kajora Colliery, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 11th November, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 19 OF 1968

PARTIES:

Employers in relation to the Western Kajora Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri J. K. Prasad,

On behalf of Workmen—Absent.

STATE: West Bengal

INDUSTRY:.. Coal Mines

AWARD

By Order No. 6/18/68-LRII, dated April 6, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour Employment) referred the following dispute between the employers in relation to West Kajora Colliery and their workmen, to this tribunal, for adjudication, namely:

"Whether the management of Western Kajora Colliery, Post Office Raniganj, District Burdwan was justified in stopping from work with effect from the 14th September, 1967, the following workmen:—

- (1) Shri Prabhu Jado (2) Shri Umakar Singh (3) Shri Mewalal Pasi (4) Shri Sri Singh (5) Shri Raghunath Pasi (6) Shri Shankar Harijan (7) Shri Jagannath Pasi?"

If not, to what relief are they entitled?"

2. The employers filed a written statement. In paragraph 2 of the written statement they stated:

"(1) Sri Prabhu Jado and (2) Sri Jagannath Pasi whose names appear in item No. 1 and 7 in the schedule of the reference never worked in their colliery and no question of stopping them from their work from 14th September 1967 or from any other date can arise."

In paragraph 3 of the written statement, they stated that Shri Umakar Singh *alias* Onkar Singh, Shri Mewalal Pasi, Shri Sri Singh, Shri Raghunath Pasi and Shri Shankar Harijan worked for a period, in the colliery, and thereafter they all resigned from their services, after taking full and final payment of their dues.

3. The case of the workmen was taken up by a trade union known as the Colliery Mazdoor Union which submitted a written statement. In paragraph 3 and 4 of the written statement, it was stated:

"3. The management of Western Kajora Colliery stopped the said workmen from working on and from 14/9/67 without any reason whatsoever.

4. The management of Western Kajora Colliery refused to allowed the workmen to work since then."

On November 2, 1968, this tribunal received an application from the Organising Secretary of the Colliery Mazdoor Union in which it was stated that the five workmen concerned in the dispute (apparently meaning workmen No. 2 to 6 of the order of reference) were no longer interested in their jobs in the colliery and that they went away from the colliery to their respective native places. The application supports the case of the employer that two workmen, namely, Prabhu Jado and Jagannath Pasi never worked in the colliery concerned.

4. At the hearing, which was fixed for to-day with notices to all concerned, the Colliery Mazdoor Union did not appear. Sri J. K. Prasad, representative of the employer colliery appeared for the colliery. He examined one witness, namely Manik Ch. Sharma, Cashier of the colliery, who proved the five letters of resignation, submitted respectively by Umakar Singh *alias* Onkar Singh, Mewalal Pasi, Sri Singh, Raghunath Pasi and Shankar Harijan as also the receipts granted by them showing payment of their dues (Exts. 1 to 10). I am thus satisfied that Prabhu Jado and Jagannath Pasi never worked in the concerned colliery. So far as other five workmen are concerned, it has been proved to my satisfaction that they have resigned, on receipt of their dues, and no question of stopping them from work any further arises.

5. In these circumstances, I record a 'no dispute' award between the employer colliery and the workmen, named, Umakar *alias* Onkar Singh, Mewalal Pasi, Sri Singh, Raghunath Pasi and Shankar Harijan. So far as Prabhu Jado and Jagannath Pasi are concerned, it has been proved to my satisfaction that they never worked in the colliery and they are not entitled to any relief.

This is my award.

(Sd.) B. N. BANERJEE, Presiding Officer.

Dated, November 4. 1968

[No. 6/18/68-LRII.]

ORDER

New Delhi, the 18th November 1968

S.O. 4267.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs C. P. Syndicate (Private) Limited, Dolley Dale, Byramji Town, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Kalichapar Colliery [Messrs C. P. Syndicate (Private) Limited], Dolley Dale, Byramji Town, Nagpur, in terminating the services of their workman Shri G. Joseph, Fitter, with effect from the 1st July, 1968, treating his letter dated the 29th April, 1968, as letter of resignation and accepting the same as resignation is justified? If not, to what relief is the workman entitled?

[No. 6/45/68-LRII.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th November 1968

S.O. 4268.—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1827, dated the 17th May, 1968] service in any oil-field, to be a public utility service for the purposes of the said Act for a period of six months from the 22nd May, 1968;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 22nd November, 1968.

[No. F. 1/79/68-LRI.]

New Delhi, the 22nd November 1968

S.O. 4269.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal, No. 1, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri A. Perumal, B/No. 2672, C/o Mosaboni Mines Labour Union, Post Office Mosaboni Mines, (Singhbhum) which was received by the Central Government on the 12th November, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT DHANBAD.

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 5 OF 1968

PARTIES:

Shri A. Perumal, B/No. 2672—*Complainant.*

Vs.

M/s. Indian Cooper Corporation Ltd., Mosaboni Mines—*Opp. Party.*

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES :

For the Complainant: A. Perumal, B/No. 2672.

For the Opposite Party: Shri K. C. Goel, Legal Officer.

STATE: Bihar

INDUSTRY: Cooper.

Dhanbad, dated the 31st October, 1968

AWARD

This is a complaint under section 33A of the Industrial Disputes Act (hereinafter to be referred to as the Act). The facts may be shortly stated. The complainant, A Perumal, is a cousin of Anthony (MW2). On account of his senior claim, a quarter was allotted to NW2. He was then unmarried. He, therefore, permitted Perumal and family to live with him.

The company started realising the rent half and half from each. The company's case is that this was done by mistake. Anthony got married and then he started asking Perumal to vacate the quarter. Perumal did not do so. Anthony then complained to Shri Ram Murthi (MW 1), the Labour Officer of the company at Mosaboni Mines. Even at the behest of the company, Perumal did not vacate the quarter. When he disregarded the ultimate notice of the Labour Officer issued on the 14th May, 1968, a charge was framed against him asking him to explain why disciplinary action should not be taken against him. An enquiry was held. The Enquiring Officer held Perumal to be guilty of misconduct. Thereupon he was given punishment of suspension for 2(Two) days.

On the above facts, complainant Perumal has filed this application. The company has taken two preliminary objections. The first objection is that the description of the reference in which this application has been filed has not been given. The Second objection is that this is not a case in which the management was required to file an application under section 33. Hence, this application under section 33A is not maintainable.

It has been stated on behalf of the complainant that this application has been filed in reference No. 26 of 1968. It is unnecessary to decide whether this application could be filed in that reference because, quite obviously, the management was not required in this case to file an application under section 33. Section 33(2) lays down that an application for approval is to be filed only when the punishment is discharge or dismissal. This is a case of the punishment being suspension for 2 (two) days only. So far as I can see, there is no question of change of conditions of service also. Hence, it is manifest that it was not necessary for the employer to file an application under section 33(2).

The complainant has not urged that the section 33(1) applies in this case. It is therefore, abundantly clear that this application is not maintainable. It is accordingly rejected.

Let this Award be submitted to the Central Government for information.

(Sd.) KAMLA SAHAI, Presiding Officer.

[No. 24/36/66-LR.I.]

New Delhi, the 23rd November 1968

S.O. 4270.—In pursuance of clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby appoints the Assistant Labour Commissioner (Central), Asansol-1, to perform all the functions of a Certifying Officer under the said Act in relation to all mines in the State of Orissa and the civil Districts of Burdwan, Bankura, Birbhum and Purulia in the State of West Bengal.

[No. 23/9/68-LR.I.]

ORDERS

New Delhi, the 14th November 1968

S.O. 4271.—Whereas an industrial dispute exists between the management of the Associated Cement Companies Limited, Sevalia Cement Works Limestone Quarries, Balasinor and Rohwa and Kapadwanj and Amratpura Bauxite Mines (hereinafter referred to as the said Companies) and their workmen represented by Associated Cement Company Quarry Workers' Union, Balasinor (hereinafter referred to as the Union);

And whereas the said Companies and the Union have, by a written agreement, in pursuance of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein,

and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the said arbitration agreement, which was received by it on the 16th October, 1968.

Agreement

(Under section 10A of the Industrial Disputes Act, 1947).

BETWEEN

Names of parties:

Representing Employers—The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor, and Rojhwa and Kapadwanj and Amratpura Bauxite Mines, etc.

Represented by Shri P. S. Limaye, Agent, Sevalia Cement Works Limestone Quarries, Balasinor, and Rojhwa and Kapadwanj & Amratpura Bauxite Mines.

Representing Workmen—A. C. C. Quarry Workers' Union, Balasinor.

Represented by:

1. Shri V. K. Trivedi, President,
2. Shri B. C. Shah, General Secretary, A. C. C. Quarry Workers' Union, Balasinor.

Whereas the Government of India by Resolution No. WB-6(3)/64 dated 2nd September, 1964 appointed a Second Wage Board for the Cement Industry;

And whereas the said Wage Board submitted its final report to the Government on 14th August, 1967;

And whereas the Government accepted the recommendations of the said Wage Board subject to certain modifications by its Resolution No. WB-6(5)/67 dated 13th February 1968 and have requested that the recommendations as accepted should be implemented retrospectively from 1st December 1967;

And whereas the parties have agreed to accept and implement the said recommendations by Settlement dated 6th October, 1968;

And whereas a dispute has arisen regarding the graded increment already granted by the Company to the employees on 1st January, 1968 under the First Wage Board's recommendations;

And whereas in the said dispute the Company's contention is that since the Second Wage Board's recommendations are to be brought into force retrospectively from 1st December, 1967, the wage/salary structure on and from 1st December, 1967 will be as per the recommendations of the Second Wage Board; in consequence thereof the graded increments given to the employees on 1st January, 1968 under the First Wage Board's salary/wage scales are not due and therefore not payable; that the first graded increment will fall due only on and from 1st December, 1968 and therefore, the Company is entitled to recover the amount of graded increment already given to the employees from 1st January, 1968;

And whereas the Union does not accept the above contention and insists that the graded increments already given to the workmen cannot be recovered;

Now, therefore, it is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, residing at 'Firuz Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1:—

(1) *Specific matters in dispute:—*

"Whether on implementation of the recommendations of the Second Wage Board for Cement Industry with effect from 1st December, 1967, the Company is justified in its stand to grant first graded increment under the new wage/salary scales from 1st December, 1968 and whether the graded increments already granted by the Company on 1st January, 1968 under the First Wage Board's recommendations can be recovered;"

- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved:

The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor & Rojhwa, and Kapadwanj and Amratpura Bauxite Mines.

AND

Its Workmen.

- (iii) Name of the Union, if any, representing the workmen in question.—A. C. C. Quarry Workers' Union, Balasinor.
 (iv) Total No. of workmen employed in the undertaking affected.—976.
 (v) Estimated number of workmen affected or likely to be affected by the dispute—976.

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Dated at Sevalia, on Sixth day of October 1968.

Signature of Parties.—1. For & on behalf of the Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor & Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

Witness: 1.

Sd/-
Sd/-

(Sd.) P. S. LIMAYE, Agent,
Sevalia Cement Works Limestone Quarries,
Balasinor & Rojhwa and Kapadwanj and
Amratpura Bauxite Mines.

2. For & on behalf of the workmen of the Associated Cement Cos. Ltd., Sevalia Cement Works Limestone Quarries, Balasinor & Rojhwa and Kapadwanj & Amratpura Bauxite Mines.

Witness: 1.

Sd/-
Sd/-

(Sd.) V. K. TRIVEDI, President,
A. C. C. Quarry Workers' Union, Balasinor.

(Sd.) B. C. SHAH, General Secretary,
A. C. C. Quarry Workers' Union, Balasinor.

[No. F. 36(38)/68-LRI.]

New Delhi, the 22nd November 1968

S.O. 4272.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Satna Cement Works, Satna, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Satna Cement Works made any discrimination in payment of increased bonus upto 20 per cent for the year 1964-65 amongst the workmen of their quarries? If so, to what relief are the affected workmen entitled?

[No. 36/7/67-LRI.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th November 1968

S.O. 4273.—Whereas the State Government of Gujarat has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. J. D. Pathak, Director of Medical Services, Employees' State Insurance Scheme, Government of Gujarat to be a member of the Medical Benefit Council in place of Dr. Mahendra J. Bhatt;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899, dated the 27th September, 1966, namely:—

In the said notification, under the heading "[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]", for the entry against item (7), the following entry shall be substituted, namely:—

"Dr. J. D. Pathak, Director of Medical Services, Employees' State Insurance Scheme, Government of Gujarat, Ahmedabad."

[No. F. 3/20/66/HI.]

New Delhi, the 21st November 1968

S.O. 4274.—Whereas the State Government of Gujarat has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri V. R. Mehta, Secretary to the Government of Gujarat, Education and Labour Department, to represent that State on the Employees' State Insurance Corporation in place of Shri S. M. Dudani;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1966, namely,

In the said notification, under the heading "[Nominated by the State Governments under clause (d) of section 4]", for the entry against item 11, the following entry shall be substituted, namely:—

"Shri V. R. Mehta, Secretary to the Government of Gujarat, Education and Labour Department, Ahmedabad."

[No. F. 3(18)/66-HI.]

New Delhi, the 22nd November 1968

S.O. 4275.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri H. K. Choudhary as a member of the Regional Committee for the State of Bihar and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1380, dated the 4th July, 1953, namely:—

In the said notification, for the entry in the second column against serial number 6, the following entry shall be substituted, namely:—

"Shri H. K. Choudhary, Director Staff Administration, Messrs Rohtas Industries Limited, Dalmianagar, District Shahabad."

[No. 12(7)64-P.F.II.]

S.O. 4276.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the Central Jail Industrial Section, Central Jail, Madras, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year upto and inclusive of the 11th August, 1969.

[No. F. 6(95)/68-HI.]

New Delhi, the 23rd November 1968

S.O. 4277.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the High Court Press, Hyderabad a wing of the Government Central Press, Hyderabad, hereby exempts the said Press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year up to and inclusive of the 24th September, 1969.

[No. F. 6(94)/68-HI.]

S.O. 4278.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri Mathuralal Sharma as a member of the Regional Committee for the State of Madhya Pradesh and makes the following amendment in the notification of the Government of India in the late Department of Social Security No. S.O. 433, dated the 23rd January, 1965, namely:—

In the said notification after item 9, the following item shall be inserted, namely:—

10. Shri Mathuralal Sharma. C/o Indore Mill Mazdoor Sangh, Shram Shivir, Indore—Non-official member of the Central Board of Trustees ordinarily resident in the State."

[No. 12(1)64-P.F.II]

CORRIGENDUM

New Delhi, the 20th November 1968

S.O. 4279.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2407, dated the 27th June, 1968, published in the Gazette of India, Part II, Section 3, sub-section (ii), at pages 3261-62,—

at page 3262, in lines 22 and 23, for

"M/s. Ratanakar Canning Industries, onkan Vikar (Development) Pvt. Ltd.",
read "Messrs Ratanakar Canning Industries. Konkarn Vikas (Development) Private Limited."

[No. F. 6/58/68-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 20th November 1968

S.O. 4280.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the South Bulliarae Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 13th November, 1968.

OFFICE OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT NO. 1 DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 7 OF 1968

PARTIES:

Employers in relation to the South Bulliarae Kenduadih Colliery of M/s. East Indian Coal Co. Ltd., P.O. Jealgora, Dist. Dhanbad.

Vs.

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers: Shri J. N. P. Sahi, Labour Advisor.

For the Workmen:—Shri Anant Sharma, Vice President and Shri Ram Mitra, Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 5th November, 1968

AWARD

By order No. 2/14/2/67-LR II, dated the 16th January, 1968, the Central Government, in the Ministry of Labour, Employment and Rehabilitation, has made this reference to this Tribunal for adjudication of a dispute which has been described in the schedule as follows:—

SCHEDULE

“Whether the action of the management of South Bulliaree Kenduadih Colliery (Post Office Kusunda, District Dhanbad) of Messrs East Indian Coal Company Limited, in refusing employment to Shri Muni Pathak, Night Guard, with effect from the 17th February, 1967 and subsequently dismissing him from the 22nd April, 1967 was justified? If not, to what relief is the workmen entitled?”

2. It is manifest from a perusal of the schedule that the dispute concerns only Shri Muni Pathak, Night Guard. Shri J.N.P. Sahi, Labour Advisor of the Company, and Shri Anant Sharma, Vice-President and Shri Ram Mitra, Secretary, Bihar Koyla Mazdoor Sabha have stated before me that the dispute has been settled between the Parties. According to the settlement, Muni Pathak is to receive Rs. 1600 (Rupees Sixteen hundred) in full and final settlement of all his claims against the company and, on the other hand, his services with the company is to stand terminated. As the union has stated, this has given complete satisfaction to the workman concerned. The settlement also appears to be fair. I, therefore, accept it.

3. In the result, therefore, I direct that the reference be disposed of in terms of the compromise. This is my award. Let it be submitted to the Central Government under Section 15 of the Industrial Disputes Act.

(Sd.) KAMLA SAHAI, Presiding Officer,
[No. 2/142/67-LR II.]

S.O. 4281.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the South Bulliaree Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 12th November, 1968.

**OFFICE OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM LABOUR COURT NO. 1, DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 5 OF 1968

PARTIES :

Employers in relation to the South Bulliaree Kenduadih Colliery of M/s. East Indian Coal Company Limited, P. O. Jealgora, District Dhanbad.

AND

Their workman.

PRESENT :

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate and Shri J. N. P. Sahi, Labour Advisor.

For the Workman—Shri Ram Mitra, Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated, the 30th October, 1968

AWARD

By its order No. 2/139/67-LRII dated the 30th December, 1967, the Central Government, in the Ministry of Labour, Employment & Rehabilitation, has referred an Industrial dispute to this Tribunal for adjudication. The Dispute is described in the schedule as follows:—

SCHEDULE

"Whether the action of the management of South Bulliaree Kenduadih Colliery of M/s. East Indian Coal Co. Ltd, Post Office Jealgora District, Dhanbad, in dismissing Shri Kharg Bahadur. Night Guard, from service, with effect from the 10th July, 1967, was justified? If not, to what relief is the workman concerned entitled?"

The Parties have settled their dispute. The terms and condition of the settlement are as follows:—

1. That the service of Kharg Bahadur, Night Guard, the workman concerned in the present references will stand terminated and he will not claim re-instatement.
2. That Shri Kharg Bahadur will be paid *ex-gratia* a slump sum of Rs. 800/- (eight hundred) in full and final settlement of all his claims and demands till the date of this settlement.
3. That the above payment will be made to the workman within a fortnight from today.
4. That the above terms finally settle the dispute which forms the subject of this reference concerning Shri Kharg Bahadur. No dispute remains pending which needs adjudication by this Tribunal.

The reference in this case is concerned only with Kharg Bahadur and, as stated by the parties, nothing remains for me to adjudicate upon. The settlement appears to me to be fair. I therefore accept it.

The reference is therefore, disposed of in terms of the settlement which will form part of the Award.

Let this Award be submitted to the Central Govt under section 15 of the Industrial Disputes Act.

(Sd.) KAMTA SAHAJ, Presiding Officer
[No. 2/139/67-J RII.]

New Delhi, the 21st November 1968

S.O. 4282.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the South Govindpur Colliery, Post Office Katrasgarh, District Dhanbad, and their workmen, which was received by the Central Government on the 14th November, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO 3) AT DHANBAD

REFERENCE No. 20 OF 1968

PRESENT:

Shri Sachidanand Sinha, Presiding Officer.

PARTIES:

Employers in relation to the South Govindpur Colliery.

Vs.

Their workmen.

APPEARANCES :

For Employers.—Shri S. S. Mukherjee, Advocate.

For Workmen.—Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal

STATE: Bihar

Dhanbad Dated the 6th November, 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the South Govindpur Colliery Post Office Katrasgarh District—Dhanbad and their workmen, by its order No 2/57/66-LRII dated the 10th of May, 1966 referred to the Central Government Industrial Tribunal Dhanbad under section 10(1)(d) of the Industrial Disputes Act 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the following workers were refused work by the management of the South Govindpur Colliery with effect from the dates shown against their names, and if so whether the action of the management was justified? If it was not justified, to what relief are these workers entitled?"

<i>Name of the workers</i>	<i>Date from which made idle</i>
1. Shri Khedan Mahato, Prop Mazdoor	8 11 65
2. Shri Ragu Mahato, Prop Mazdoor	8-11-65
3. Smt. Chintā Kamin, Picking/load	10 11 65
4. Smt Magri Kamin, Picking/load	10 11 65
5. Smt. Sarola Kamin Picking/load	10 11 65
6. Smt Gagla Kamin Picking/load	10 11 65
7. Smt. Somri Kamin Picking/load	10 11 65
8. Smt. Anokhi Kamin Picking/load	10 11 65
9. Sri Ramdeo Singh, Trammer	July, 1965
10. Sri Suchit Singh, Munshi	July, 1965
11. Sri Vidya Singh, Munshi	July, 1965
12. Sri Sonaram Manjhi, Trammer	March, 1965

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 87 of 1966. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government Order No. 8/25/67-LRII dated the 8th of May, 1967 where it was numbered as reference No 143 of 1967. The Central Government by its subsequent Order No 8/71/68 LRII dated the 17th of August, 1968 transferred the dispute to this tribunal where it has been renumbered as reference No 20 of 1968.

3. The Secretary, Colliery Mazdoor Sangh filed a written statement on 19th February, 1968 on behalf of the workmen. Their contention is that the concerned workmen were permanent employees of South Govindpur Colliery. They are working continuously, without any break, from dates and in capacities mentioned against their names in Annexure 'A' of the Schedule of their written statement. According to the annexure, Serial No. 13 Shri Sonaram Manjhi, Trammer has been working continuously from 2nd February and the remaining 12 workmen are continuously working from 1962 to 1964 as shown in annexure 'A'. The management made the concerned workmen idle without any notice and without assigning any reason with effect from the dates mentioned against their names in the schedule of the reference.

4. According to the workmen it is a case of victimisation as they are members of the Colliery Mazdoor Sangh. The management contravened the provisions of Payment of Wages Act, Mines Act, Industrial Disputes Act, and failed to implement Awards. The Colliery Mazdoor Sangh was agitating against the anti labour policy of the management. Their case is that the action of the management in refusing work to the 13 concerned workmen is wholly unjustified and illegal.

5. The management filed their written statement on 19th January, 1968 and rejoinder on 13th June, 1968. Their case is that Sri Ramdeo Singh, workman concerned in Serial

No. 9 is dead. In respect of Janeshwar Ram, workman mentioned in Serial No. 12 it is stated that he did not work for one year and as he did not possess the requisite boiler certificate he was incompetent to continue his work as a fireman. Moreover this workman was working in No. 14 seam which was also closed down in October, 1965. In respect of Smt. Anokhi Kamin, mentioned in Serial No. 8 it is said that she was never a workman of the colliery and had not worked even casually at any time and therefore, the question of the management's refusal to her employment cannot arise. In the evidence a case has been made out in respect to Chinta Kamin, workman concerned mentioned in Serial No. 3 and it is said that she has received full and final payment.

6. In respect to the remaining workmen it is said that they were casual workers with irregular attendance and they voluntarily absented themselves. The allegation of malafide and victimisation have been denied.

7. I will first take-up the cases of individual workman in respect of whom specific case had been made out by the management.

8. In respect of Smt. Chinta Kamin, workman mentioned in Serial No. 3 of the reference it is said that she had received full and final payment. It is also said that Chinta Kamin after receiving the payment granted the receipt (Ext. M. 2) on 13th September, 1968. This receipt bears the thumb impression of Chinta Kamin and shows that she received a sum of Rs. 200/- in respect of her wages, bonus etc. Chinta Kamin has not been examined on behalf of the workmen to deny this fact. Therefore, it has got to be held that Chinta Kamin workman mentioned in Serial No. 3, received full and final payment.

9. In respect to workman Janeshwar Ram, mentioned in Serial No. 12 it is said that he did not possess boiler certificate and that this qualification is requisite for a fireman and therefore, he was incompetent to continue as a fireman. It is further stated that he was working in seam No. 14 and that the seam was closed in October, 1965. Janeshwar Ram has not been examined on behalf of the workmen. Janeshwar Ram did not possess boiler certificate which was requisite for a fireman. In case of failure to obtain a boiler certificate which was requisite qualification for a fireman, the management was within its rights to discharge the workman. In this particular case Janeshwar Ram did not obtain the boiler certificate and moreover he was working in seam No. 14 which was closed in October, 1965, and therefore, there is no question of refusal of work by the management to Janeshwar Ram.

10. In respect of Smt. Anokhi Kamin, mentioned in Serial No. 8 it is said that there was no such person in the colliery. In spite of this allegation the workmen have not examined Anokhi Kamin to state on oath that as a matter of fact she was working in the colliery.

11. In respect to workman Ramdeo Singh mentioned in Serial No. 9 it is said that he is dead. This point is also not challenged. Personal rights like reinstatement, under Industrial Disputes Act do not survive after death.

12. Therefore, in respect to Smt. Chinta Kamin, workman mentioned in Serial No. 3, Smt. Anokhi Kamin workman mentioned in Serial No. 8, Sri Ramdeo Singh, workman mentioned in Serial No. 9 and Sri Janeshwar Ram, workman mentioned in Serial No. 12, there is no question of refusal of work by the management.

13. The common case against all the workmen is that they are casual workers with irregular attendance and they voluntarily absented themselves. The management have filed attendance register maintained in forms C and E. These registers are maintained under Section 48(4) of the Mines Act and Rule 78 of the Mines Rules. They are statutory registers. The management have prepared attendance chart for the year 1964 and 1965 in respect of the concerned workmen. Ext. M. 3 is the attendance chart for the year 1964 and Ext. M. 4 is the attendance chart for the year 1965 in respect of the concerned workmen and they show that these workmen are casual workers. In the year 1964 only Ramdeo Singh mentioned in Serial No. 9 and who is now dead, worked for 128 days and the rest worked for less than 98 days. In the year 1965 only Razu Mahato, mentioned in Serial No. 2 worked for 236 days and the rest worked for less than 128 days. The registers in form C and E from which the attendance chart have been prepared are filed before this tribunal. These registers are kept under statue. There is no satisfactory evidence that they are not properly kept. It is only suggested by the workmen that the attendance clerk was not marking the attendance regularly. But mere suggestion is not enough. On the other hand from the papers filed by the management it is proved that

the concerned workmen were casual workers. Under the Standing Order their employment could be terminated without notice.

14. The case of the management is that they were casual workers and they left their work out of their own accord and the evidence adduced also points to the same direction. No case of victimisation has been made out by the workmen.

15. Sri Sona Ram Manjhi (WW. 2) has stated in his evidence that the management was annoyed with them because they were demanding a rise in their wages.

16. A finding as to victimisation can only be drawn where there is cogent evidence to justify it. A finding of victimisation cannot be made either casually or light heartedly. There is no reliable and satisfactory evidence regarding victimisation in this case.

17. I therefore, hold that the workers mentioned in the schedule of the reference were not refused work by the management of the South Govindpur Colliery with effect from the dates shown against their names and that they are not entitled to any relief. This is my award. It may be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer,
Central Govt., Industrial Tribunal-cum-Labour,
Court No. 3, Dhanbad.
[No. 2/57/66-LR.II.]

S.O. 4283.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Sijua, Jamadoba, 6 and 7 Pits Digwadih, Malkera and Bhelatand Collieries of Messrs Tata Iron and Steel Company Limited and their workmen, which was received by the Central Government on the 13th November, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 132 OF 1967

In the matter of an industrial dispute under Section 10 (1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Sijua, Jamadoba, 6 and 7 Pits Digwadih, Malkera and Bhelatand Collieries of Messrs Tata Iron and Steel Company Limited.

AND

Their workmen.

APPEARANCES:

For the employers: Shri S. S. Mukherjee, Advocate.

For the workmen: Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 8th November, 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Sijua, Jamadoba, 6 and 7 Pits Digwadih, Malkera and Bhelatand Collieries of Messrs Tata Iron and Steel Company Limited and their workmen, by its order No. 2/7/66-LR.II dated 7th April, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the demand of the workers of Sijua, Jamadoba, 6 and 7 Pits, Digwadih, Malkera and Bhelatand Collieries of Messrs Tata Iron and Steel Company Limited for pick mining rates for drilled coal and extra rate for dressing machine faces is justified? If so, to what relief are the workers entitled and from what date?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 70 of 1966 on its file. Workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67 LR.II dated 8th May, 1967. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 132 of 1967. Employers filed their statement of demands.

3. In order to appreciate the dispute involved in the reference it is necessary to keep in mind the various methods of winning coal and the categories of workmen used for the purpose, as observed in the All India Industrial Tribunal (Colliery Disputes) Award and the Decision of the Labour Appellate Tribunal. The method of winning coal is determined by its mode of occurrence. When the coal lies at the outcrop, it is generally worked by what is known as 'Quarry' method or 'Open-cast' mining. The coal here is comparatively near the surface and it is only required to remove Over-burden (i.e. rock, clay, etc.). This is normally done by pick and shovels and explosives are also used some times. When the coal lies not at much depth below the surface soil, a drift or tunnel is driven from the soil to the coal seam. This is called incline method. Where seams occur at some depths pits or shafts have to be sunk. This method is called pit mining. The method of development by incline and pit mining is almost the same. Normally in this country the bord and pillar method is used. In this method galleries are driven at right angles and pillars are formed. This is called the gallery face. Once the area is completely developed in this manner, the operation of depillaring is started. This is known depillaring face. By this method the pillars are extracted and the work is done retreating from the boundary of the property back to the shaft bottom. In many places depillaring is accompanied by stowing when it is necessary by sand collected from the river beds mixed with water and sent down into the mines through pipes. When the extraction from the pillars proceeds, the vacuum is replaced by sand brought in through pipes as above mentioned. The nature of work in the different kinds of mining is more or less the same, the principal work being of cutting and transporting coal. The normal method of cutting coal is by pick axe which is called pick mining. Cutting coal from the mines and driving galleries are done by pick miners, C.P. miners or coal cutting machines. Coal cutting by pick axe naturally produces low output and means a great wastage of man power also. But this has to be retained in some cases where blasting or coal cutting machines cannot be economically operated. The pick miner himself cuts and loads coal into the tubs. A C.P. miner works where coal is won by blasting method. It is also called "drilled coal". In this method a C.P. miner drills holes with the aid of a crow-bar. The holes are then filled with either gunpowder cartridges or with high explosives and stamped with clay balls and blasted. The loose coal is then dressed by the C.P. miner by means of a crow-bar. If the seam is high, he does this work from the top of a ladder. A C.P. miner usually works with two loaders. The coal so blasted (if big and lumpy is broken by the loader) is then loaded into baskets and carried on head and loaded in empty tubs supplied to them on the nearest tram line level. A miner is called a C.P. miner because originally he used "country gun-powder" for blasting the coal instead of cutting by pick axe. Since the World War I the demand for coal could not be met with manual labour alone and therefore coal cutting machines were introduced in big collieries. In this method an under cut is made by the machine into the coal face to depths varying from 5 ft. to 7 ft. in the whole width of the gallery and then blasted down by drilling holes with drills driven by either compressed air or electricity. The coal cutting machines are manned by a driver and 2 or 3 assistants. After blasting the loose coal is dressed down and the coal is loaded into the tubs by loaders by carrying it in baskets on their heads. In quarries also coal is won by all the above three methods. For the sake of the present case it is necessary to re-state and remember that a pick miner himself cuts and loads coal into the tubs [vide para 133, All India Industrial Tribunal (Colliery Disputes) Award, Vol. I] and a C.P. miner drills with a crow-bar shot holes into which explosives are put and coal is blasted and thereafter he himself dresses the surface and loads the blasted coal into tubs (vide para 106, Labour Appellate Tribunal Decision). The work of a miner in machine mining, however, is only that of loading [vide para 136 of All India Industrial Tribunal (Colliery Disputes) Award, Vol. I]. Category V has been prescribed for all types of miners, inclusive of loaders, whether working in mines or quarries, except that their work-load is different.

4. Now the case of the workmen is that M/s. Tata Iron & Steel Co. Ltd. (hereinafter referred to as the employers) introduced in their six mines referred to in the reference since the All India Industrial Tribunal (Colliery Disputes) Award as amended by the decision of the Labour Appellate Tribunal, substantially the pick mining system with arrangement of drilling a hole and blasting the same without any undercut, wherein the winning of coal has to be made by picks and it is the same as pick mining. It is further stated that the miners-cum-loaders of the collieries have to cut the loosened coal, dress the faces, sides and roofs with the help of picks and also have to use picks for cutting solid coal to fill the tubs, as sufficient quantity of coal is not loosened there being no under cut given before blasting. It is pointed out that the miners are paid only at the rate of Rs. 65.5 paise basic for 36 cft. tub on the basis of the rates prescribed for the machine miner, instead of Rs. 1.31 for the same size of the tub. Regarding the machine mining system in the collieries also it is complained that the employers compelled the loaders to dress faces, sides and roofs. On these grounds, their claim is that the miners working in the drill coal section in the collieries should be paid at the rate fixed for the pick miners, that the loaders in the machine section should be granted an extra rate of 0.25 paise basic, per 36 cft. tub in addition to the tub loading rates and that the new rates should

be given effect to from 1957. The employers filed a statement denying the allegations made and the claims put forth by the workmen. According to them the work done by the miners, inclusive of loaders, in the collieries was not in excess of their duties prescribed by the All India Industrial Tribunal (Colliery Disputes) Award as amended by the decision of the Labour Appellate Tribunal. The workmen were represented by Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh and the employers by Shri S. S. Mukherjee, Advocate. On admission by parties, Exts. M1 to M4 were marked for the employers and Ext. W.1 for the workmen. Workmen examined 5 witnesses and marked Ext. W2. The employers examined 2 witnesses and marked Exts. M5 to M9 for themselves and Exts. W3 to W6 for the workmen.

5. As per the reference the demands of the workmen are only two, viz:

(1) Pick mining rates for drilled coal; and

(2) Extra rate for dressing machine faces. Contrary to the reference and the statement filed by them the workmen have led evidence to justify their demands for other jobs said to have been done by them. But as pointed out by the Supreme Court in Delhi Cloth and General Mills Co. Ltd. V. their workmen and others (1967-1-L.L.J-423) the Tribunal is not free to enlarge the scope of the dispute referred to it and must confine its attention to the points specifically mentioned and anything which is incidental thereto. Consequently, no claim of the workmen in addition to those mentioned in the reference can be considered.

6. The case of the workmen is that the miners working in the drilled coal section were entitled to Rs. 1.31 per 36 cft. tub as pick miners, but they were being paid on the basis of the rates prescribed for the machine cut loaders. The workmen have used the words "miner" and "loader" in synonymous sense and as far as the miners and loaders working in pick mining and drilled coal sections are concerned the distinction is not material. As I have already pointed out all the miners inclusive of loaders, are placed in the same category, but with different work loads. As per para 104 of the decision of the Labour Appellate Tribunal the pick miner, both in the gallery faces and in the depillaring area is entitled to Rs. 3-0-8 for cutting and loading a tub of 36 cft. and at the same rate for every additional tub of the same capacity and proportionately for part of a tub. For the C.P. miner the rate fixed as per para 116 is Rs. 2-5-3 per tub of 36 cft. as his basic wage and dearness allowance and at the same rate for every additional tub and proportionately for part of a tub which he produces in excess of 1 1/3 tubs in a shift, which is his work load. As per para 141 a miner in a machine cut coal section, who is called a loader, is entitled to a total wage of Rs. 1-8-4 per tub of 36 cft. and at the same rate for every tub or a part of a tub in excess of two tubs loaded by him in any shift, which is his work load. It can be seen from the above that a pick miner gets a total wage of Rs. 3-0-8, a C.P. miner Rs. 2-5-3 and a loader Rs. 1-8-4 per tub of 36 cft. There is a reason for variance in the wages so fixed and it is that a loader in the machine cut section does not do any work other than simply loading, a C.P. loader does not cut the solid coal but only drills shot holes with crow-bar and after the blasting is done dresses the surface and loads the blasted coal into tubs and a pick miner has to cut solid coal and load it into tubs. The work of a pick-miner, as observed by the All India Industrial Tribunal (Colliery Disputes) Award is of a strenuous nature, often under trying conditions and therefore called for special treatment. In view of the provisions of the All India Industrial Tribunal (Colliery Disputes) Award and the decision of the Labour Appellate Tribunal, a C.P. miner, i.e., a miner or a loader working in drilled coal section cannot claim the same wages which are paid to a pick miner. But he cannot be equated and paid the wages which are payable to a loader working in machine cut section. The workmen have examined 5 witnesses and all of them are miners, working either in the drilled coal section, machine cut section or pick mining section. Their evidence is that they drill holes for shot firing at time going up by a ladder to a height of 14 feet, cut the loosened coal with picks, when the fallen coal is not sufficient to give the minimum work load to them they cut solid coal with picks and that they load the coal into the tubs. They say that in the drilled coal section no dresser is provided and the dressing is done by the miners themselves, although WW.4 in his examination in chief itself states that in drilling section stone cutters are employed for dressing the sides and roofs. As I have already pointed out, as per para 133 of the All India Industrial Tribunal (Colliery Disputes) Award, a C.P. miner "has to drill holes with the aid of a crow-bar. The holes are then filled with either gun-powder cartridges or with high explosives and stamped with clay balls and blasted. The amount of explosives used for blasting depends on the depth of the hole and the hardness of the coal. The loose coal is then dressed by the C.P. miner by means of a crow-bar. If the seam is high, he does this work from the top of a ladder. The coal so blasted (if big and lumpy is broken by the loader) is then loaded into baskets and carried on head and loaded in empty tubs supplied to them on the nearest tram line level."

The decision of the Labour Appellate Tribunal also points out in para 106, "C.P. miners drill with crow-bars, shot holes into which explosives are put and coal is blasted there-after the miners themselves dress the surface and load the blasted coal into tubs." Thus, the complaint of the workmen that the miners in the drilled coal section had to drive holes for shot firing, dress the sides with pick axe at times going up the ladder and load the coal into the tubs does not call for any extra wage. The only allegation calling for consideration is that by the blasting method the coal loosened is not sufficient to provide the work load for the miners and as such, the miners have to cut solid coal with pick axe, as is done by the pick miners. WW. 1 concedes that the two officials of the union Sarvaswree K. K. Sarkar and Md. Aurangzeb along with the Manager, Welfare Officer and Labour Enforcement Officer went to 6 & 7 Pits of Jamadoba colliery to see how much coal would be won by blasting. WW.3 also says that the Officer of the Labour Department went to the drilled section and got the blasting done in presence of Sarvaswree S. Dasgupta, B. S. Rao and others at No. 14 seam. The evidence of WW.4 also shows that the Regional Labour Commissioner got a test blasting done in new 15 seam. Ext. M2 is a letter from S. Dasgupta, Secretary, Colliery Mazdoor Sangh to the Regional Labour Commissioner (C) Dhanbad dated 6th December, 1965, showing therein that the dispute was referred to the Labour Enforcement Officer concerned for spot verification and report. Exts. M4, M7, M8 and M9 are joint inspection reports. Ext. M4 is dated 14th September, 1965 and relates to new 15 seam long wall. Its covering letter is Ext. M9. According to it 2nd, 3rd, 4th and 5th level working faces were inspected and the total number of miners working in them was 42 and total tubs loaded by them were 91. Ext. M7 is a covering letter from the Manager of 6 & 7 Pits, Jamadoba to the Chief Mining Engineer accompanied by a copy of the joint inspection report made by the Labour Enforcement Officer, Welfare Officer and Sarvaswree K. K. Sarkar and Md. Aurangzeb, representatives of the union. The report, Ext. M8 shows that after the blasting the dressing was done by a dresser and then the miners loaded the blasted coal and that it was found that after the blasting sufficient coal was found. Ext. M5 is a statement showing the output per head per day (in tonne) in drilled coal and pick mining sections of the six collieries referred to in the Reference in the year 1967. In drilled coal section the minimum per head output was in Bhetatand colliery and the maximum at Digwadih colliery, being respectively 1.74 and 2.15. Shri S. Dasgupta, the learned representative of the workmen has pointed out that 1.77 tonnes is equal to 12 ctt., i.e. 2 tubs of 36 ctt. each. As per para 116 of the decision of the Labour Appellate Tribunal the work load for a C.P. miner is 1-1/3 tubs of 36 ctt. It follows that the output per head as shown in Ext. M5 is far above the prescribed work load. Shri S. Dasgupta has argued that there is slight discrepancy in the figures shown in Ext. M5. Ext. M4 is marked on admission by the workmen, Ext. M5 on proof by MW.1 and Exts. M7 to M9 on proof by MW.2. WWs 1 to 5 have in their evidence that on the occasion of test blasting special blasting with more explosives or double blasting was done to show that the coal blasted was adequate. But there is no support to this version in any written evidence. None of the joint inspection reports has any material to support the inference. Thus, I find no substance in the allegation of the workmen that by blasting the coal obtained was not sufficient to provide the minimum work load to the miners. There is absolutely no evidence, barring the oral testimony that the miners had to cut solid coal with pick axe when the blasted coal was not sufficient to give them the work load. Hence, as C.P. miners the miners working in the drilled coal were not entitled to pick mining rates or rates other than those prescribed for them by the All India Industrial Tribunal (Colliery Disputes) Award and the decision of the Labour Appellate Tribunal. On behalf of the employers no convincing reason is advanced or proved why a C.P. miner should be equated with a loader working in the machine cut section and paid wages as of a loader. In short, the miners working in drilled coal section were entitled to Rs. 2-5-3 per tub of 36 ctt. as his basic wage and dearness allowance and at the same rate for every additional tub and proportionately for part of a tub which he produced in excess of 1 1/3 tubs in a shift. Now the Central Wage Board for the Coal Mining Industry has recommended at page 71 (Vol. I) that the drilled coal miner be placed in group IV and his work load should be 1 1/4 tubs of 36 ctt. Therefore, the C.P. miners working in the drilled coal section are entitled to the new rates from the date from which the recommendations could legally be enforced.

7. As regards the loaders, i.e. miners working in the machine cut section, the case of the workmen is that the miners in the section are made to dress face, sides and roofs and are, as such entitled to extra rate of 0.25 paise basic for 36 ctt. tub in addition to the loading rates with effect from 1957. The employers have denied that the miners do the dressing and stated that time rated dressers do the job. As per para 126 of the decision of the Labour Appellate Tribunal the duty of loaders, who have been referred to in the All India Industrial Tribunal (Colliery Disputes) Award as machine miners or machine cut coal loaders, is to load coal into the tubs, mine cars or conveyors. In para 140 the decision has emphasised that the wages fixed for the loader are for loading coal only and that extra payments for other works he does shall be in addition to the total emoluments which he

would earn as a category V workman is for loading coal only. Therefore, it emerges that as a loader his duty is only to load the coal into tubs, mine cars or conveyors and he is entitled to any extra work he is made to do. Dressing of faces, sides and roofs are not expected of him. So, it is to be seen if the loaders were made to do the work of dressing faces, sides and roofs as alleged by the workmen. WVs 1 to 5 have in their evidence that no dressers were provided in the machine coal section and that the loaders themselves had to do the dressing work. MW.1 is an important witness for the employers, in that he worked from 1956 as additional Manager in Jamadoba colliery, as Agent of the collieries, Jamadoba Group from 1960, as Asstt. Chief Mining Engineer for Sijua Group of collieries from April 1962 and from April 1967 he is the Deputy Chief Mining Engineer for Jamadoba Group of collieries—all the collieries working under the employers. In the above capacities he had occasions to see the underground workings in Jamadoba as well as in Sijua Groups of collieries and the statements on behalf of the employers filed in the case were drafted under his instructions. He has conceded that loaders are not required to do any dressing work, not even of faces. He has also conceded that no workman was designated as a dresser in any of the collieries. But he stated that stone cutters are provided to do the job of dressing in the drilled coal and machine cut sections. According to him one stone cutter for each section consisting of 2 to 6 machine faces and more stone cutters where the number of faces are more, are provided. It is not as though the loaders in machine cut sections do not do the dressing work at all. MW.1 categorically states that on some occasions when the stone cutter was absent one of the loaders was employed on that day for doing the dressing work and the loader was paid for that day on time rated basis and as such the loader was not paid his wages as a loader for the day because he did not have any time to do the loading work. This position is also admitted by WW.4 who is a witness for the workmen. WW.4 worked as a loader in the machine cut section. In the examination in chief itself he admits that normally in the machine cut section dressing of sides and roofs was done by stone cutters and not by loaders except on the occasions when there was no stone cutter. He has also conceded that for that day the loader working as a stone cutter was paid extra wages. In the re-examination he has clarified that only one loader works on all faces as a stone cutter when he works in place of a stone cutter and that the extra wages paid to such a loader are taken by him only and not distributed among other loaders working on that day. Though the witness spoke about extra wages he has clarified that the loader working for the day as a stone cutter does not get his wages as a loader for that day because he does not load coal on that day. The workmen are bound by the evidence tendered by their own witness. It emerges from the admitted position that the employers have no workmen designated as dressers as such but get the dressing work done normally by the stone cutters, that on occasions when the stone cutter is not available the employers engage one of the loaders as a stone cutter for the day to do the job of dressing and pay him for that day wages as a stone cutter on time rated basis without taking any work from him as a loader on that day and that the remaining loaders do only their job of loading. In view of this admitted position there can be no justification for the loaders claiming extra rate for doing any kind of dressing job. It is argued at length by Shri S. Das Gupta, the learned representative of the workmen that there was no reason why the employers should choose to take work of dressing from stone cutters instead of appointing dressers when the job of stone cutters entails payment of more wages. MW.1 also concedes that the dresser belongs to lower category than that of a stone cutter. But that is a matter left to the convenience and pleasure of the employers and the stone cutters and it does not disapprove the admitted position that the loaders (miners working in coal cut machine section) did not and do not do the job of dressing to justify their claim for extra wages.

8. As a result of my above discussion I hold that the demand of the workers of Sijua, Jamadoba, 6 and 7 Pits, Digwadih, Malkera and Bhelatand collieries of Messrs Tata Iron and Steel Company Ltd. for pick mining rates for drilled coal and extra rates for dressing machine faces is not justified, and consequently, the workers are not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO, Presiding Officer,
Central Government Industrial Tribunal,
(No. 2), Dhanbad.
[No. 2/7/66-LRI.]

New Delhi, the 22nd November 1968

S.O. 4284.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Sarvashri J. G. Kumaramangalam and Kanti Mehta, Arbitrators in the dispute between the management

of the National Coal Development Corporation Limited, Post Office Bermo, District Hazaribagh and their workmen represented by the Colliery Mazdoor Sangh, Lubi Circular Road, Dhanbad which was received by the Central Government on the 12th November, 1968.

BEFORE SHRI J. G. KUMARAMANGALAM & SHRI KANTI MEHTA ARBITRATORS

In the matter of arbitration of a dispute referred under Sub-section (1) of Section 10A of the Industrial Disputes Act.

PARTIES:

The Employers in relation to the Collieries of M/s. National Coal Development Corporation Ltd., P.O. Bermo, Dist. Hazaribagh.

AND

Their Workmen.

APPEARANCES:

For the Employers—Shri S. Yagneswaran, Acting General Manager (B&K), National Coal Development Corporation Ltd.

Shri M. L. Gulati, Senior Group Personnel Officer, National Coal Development Corpn. Ltd.

For the Workmen—Shri Bindheshwari Dubey, General Secretary, Colliery Mazdoor Sangh,

Shri S. Das Gupta, Secretary, Indian National Mineworkers' Federation,

Shri Damodar Pandey, Organising Secretary, Colliery Mazdoor Sangh.

AWARD

1. While negotiations were going on for implementing the recommendations of the Coal Wage Board differences arose between the National Coal Development Corporation Ltd., and their employees as represented by Colliery Mazdoor Sangh as to the grades and time-scales of the Excavating Plant fitters Grade III, Excavating Plant Electricians Grade III, Excavating Plant Mechanists Grade III, Excavating Plant Welders Grade III and Excavating Plant Turners Grade III employed in the open cast mechanised mines of the Corporation. While the management had placed them in Category V, the representatives of the workmen demanded Category VI for these workmen.

2. As the parties could not settle the issues by negotiations, they decided to refer the issues to our arbitration *vide* their agreement dated 15th May, 1968, with the following terms of references:

"Whether the demand for W.B. Cat. VI by the Excavating Plant fitters Grade III, Excavating Plant Electricians Grade III, Excavating Plant Machinists Grade III, Excavating Plant Welders Grade III and Excavating Plant Turners Grade III employed in the open cast mechanised mines of N.C.D.C. Ltd. is justified? If not, what should be their appropriate category/time-scale of wages?"

3. The Ministry of Labour & Employment, Government of India published this agreement in their Order No. S.O. 2272 dated 20th June, 1968 which was received by us on 5th July, 1968. The Union was immediately asked by us on 6th July, 1968, to submit their written statement of claims within 10 days from the date of receipt of our letter with a copy to the management. The management was asked to submit their rejoinder to the Union's statement of claims within 10 days from the date of receipt of the same. They were also asked to give a copy of their reply to the Union. The Union's statement of claims was received on 11th July, 1968, while the rejoinder of the management was received on 29th July, 1968. The date for hearing was fixed for 6th August, 1968, which was subsequently changed to 23rd August, 1968, due to unavoidable circumstances. In the meantime the Government issued a further notification No. 2/90/68-LRII dated 2nd July, 1968 in pursuance of the provisions of Sub-Section 3(a) of Section 10A of the Industrial Disputes Act read with Rule 8(a) of the Industrial Disputes (Central) Rules, 1957. In consequence thereof, a written statement of claims containing typed names of a number of workmen, but signatures of only two workmen was submitted on 6th August, 1968.

4. The Parties were heard by us at Calcutta on 23rd August, 1968. It is true that in the recommendations of the Coal Wage Board there is no specific recommendation regarding the category or time-scale wages for the workmen concerned. On behalf of the workmen Shri Bindheshwari Dubey, General Secretary of the Colliery Mazdoor Sangh submitted that the workmen concerned have all along been getting total emoluments equal to Cat. IX Fitters in the Coal Award and since nearly all the workmen in the old Category

IX have been put in the new Category VI, these workmen also should receive similar treatment and should be placed in Category VI. The management, however, submitted that the Excavation workers have been treated separately in the Wage Board's recommendations as is evident from the fact that Excavating Plant fitters, Electricians, Welders, Mechanists and Turner Grade II have been given a time scale which is lower than that of Category VI and this shows the clear intention of the Wage Board that the Excavating Plant fitters, etc. could not be entitled to Category VI and that is the reason why the management has placed them in Category V. They were, however, agreeable to give a time-scale between the existing time-scales of Category V and Category VI in proportion to the increase that has been given to the other categories.

We have given our anxious considerations to the submissions made by both the parties and we felt that the ends of justice would be met if we gave a time-scale providing for an increase taking into account the increase given by the Wage Board to the Grade I and II Technicians while fixing the minimum in the new scale. We accordingly award a time-scale of Rs. 9.50—0.35—10.90—0.40—13.30 for the Grade III Technicians.

Dated 4th November, 1968.

(Sd.) J. G. KUMARAMANGALAM KANTI MEHTA.

[No. 2/90/68-LRII.]

New Delhi, the 23rd November 1968

S.O. 4285.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the West Gopalichuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office Kusunda, (Dhanbad) and their workmen, which was received by the Central Government on the 13th November, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT DHANBAD (NO. 1)

In the matter of a reference under section 10(i)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 4 OF 1968

PARTIES :

Employers in relation to the West Gopalichuck Colliery of Messrs Central Kirkend Coal Company Ltd., P.O. Kusunda, Distt. Dhanbad.

Vs.

Their Workmen.

PRESENT :

Shri Kamla Sahai, Presiding Officer.

APPEARANCES :

For the Employers—Shri G. C. Mukherjee, Manager.

For the workmen—None.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, dated the 28th October, 1968

AWARD

The Central Government, in the Ministry of Labour, Employment and Rehabilitation, has made this reference to his Tribunal—*vide* its order No. 2/153/67-LRII, dated 30th December 1967—for adjudication of an industrial dispute which has been described in the schedule as follows:—

SCHEDULE

"Whether the dismissal of Shri Mahadeo Pashi, Pump Khalasi, by the management of West Gopalichuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office, Kusunda, District Dhanbad with effect from the 29th September, 1967, was justified? If not, to what relief is the workman entitled?"

2. The management of the colliery filed its written statement in the Tribunal's office on the 24th January, 1968 but neither the workman nor the Colliery Mazdoor Sangh which is the union concerned took any steps to file a statement of claim or rejoinder as required by Rule 10(B) of the Industrial Disputes (Central) Rules, 1957. On the 11th October, 1968, I fixed the 24th October, 1968 at 11.00 A.M. for hearing of the reference at Dhanbad. Notices were issued to both parties and the one issued to the union was served on the 19th October. No one took any step on behalf of the union until the 24th October, the date fixed for hearing of the case itself, when an application was filed by Shri Mahadeo Pashi, the concerned workman. The application was signed by Shri R. N. Sharma, General Secretary of the Colliery Mazdoor Sangh, the union concerned. He stated in the petition that Shri A. P. Gupta, Secretary of the said Branch of the Colliery Mazdoor Sangh, has been dealing with this dispute from the very beginning and he has been out of station from the date of receipt of the notice from the Tribunal and has not yet returned. The case relates only, as may be seen from the question put in the schedule, to the dismissal of one workman and is rather short. There could be no difficulty in any one getting ready. I, therefore, called upon Shri Mahadeo Pashi himself to defend himself and to cross-examine witnesses if they were examined by the management. His answer was that he would do nothing until Shri A. P. Gupta was present. Hence I had no alternative but to take up the case *ex-parte*. The Manager of the colliery, Shri G. C. Mukherjee, then examined Shri M. N. Mukherjee as the management's witness. He proved all papers relating to the domestic enquiry. Ultimately the Manager asked for time until the next date to produce the certified standing orders. Shri Mahadeo Pashi was then present in Court. I told him that he could bring any office-bearer of the union next day at 11.00 A.M. positively, to represent him and that he would then be given a chance to cross-examine the management's witness who had been examined and further to do any other act which might be necessary. He then went away. Next day i.e. on the 25th October, I waited for him until about 2 minutes to 12 noon. He did not turn up nor did any office bearer of the union turn up. I was, therefore, compelled to proceed *ex-parte* again. Shri M. N. Mukherjee (M.W. 1) was then further examined in chief and the hearing of the case concluded. The award has been reserved until today and the union or the workman has not taken any step in the matter.

3. As I have said, the workman or the union has not filed the written statement or statement of claims. I find, however, from letter No. IIIA(1)/67/5894-95 dated the 9th October, 1967 addressed by Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, Dhanbad to the Asstt. Labour Commissioner, Dhanbad which is on the record that he alleged that the enquiry held by the management was perfunctory and that two of the managements' witnesses were completely under the influence of the management, that Shri Mahadeo Pashi was an officer of the local branch of the Sangh, that relations between the Sangh and the management were unsatisfactory for the last one or two years when a bitter struggle had been continuing and that the allegation that Shri Mahadeo Pashi was found sleeping on duty was foisted upon him after the management had decided to dismiss him.

4. The management's allegation is that Shri Mahadeo Pashi was a pump khalasi, that he was on duty underground in the main dip on the 14th July, 1967 in the 3rd shift and that Shri A. Prasad, Overman, found him sleeping at about 4 a.m. when the main dip pump was working. Shri A. Prasad called the Mining Sirdar on duty namely Shri B. L. Pandey and, when Shri Pandey came, he also saw Shri Mahadeo Pashi sleeping. Shri A. Prasad then picked up Shri Mahadeo Pashi's lamp and both he and Shri Pandey went away to a distance of about 100 ft. from there. He asked Shri Pandey to call Shri Mahadeo Pashi. Instead of going himself, Shri Pandey called Bhokhra Mahato, timber mazdoor and sent him to call Mahadeo Pashi. Bhokhra Mahato came back and told them that Mahadeo Pashi was not coming because the pump was running. Shri Pandey then went to Mahadeo Pashi and, after closing the pump, Mahadeo then came to Shri A. Prasad. Shri Prasad asked him where his lamp was and whether the lamp which was in his hand belonged to him. Mahadeo Pashi replied that that very lamp was his. When Shri Prasad asked him why he was sleeping on duty, Mahadeo Pashi replied that he had fallen asleep because he was not feeling well. Thereafter, Shri Prasad gave back the lamp to him.

5. Sleeping on duty is a misconduct under clause 18(j) of the certified standing orders (Ext. M 10). Ext. M 10 has been returned and the extract on record is Ext. M 1.

6. The Manager framed chargesheet No. WG/CHS/1308/67 dated the 18th July, 1967 (Ext. M) and served it upon Mahadeo Pashi. In his reply (Ext. M 1) dated the 21st July, 1967, Mahadeo Pashi said that the allegation that he was found sleeping on duty on the night of the 14th July, 1967 was entirely baseless and that the allegation had been made against him on account of his trade union activities only for the purpose of harrassing him and to do away with his service.

7. Shri M. N. Mukherjee (M. W. 1) was appointed to be the enquiring officer. He held the enquiry on the 31st July, 1967. Shri Mahadeo Pashi was present throughout the enquiry. The company examined three witnesses namely Shri A. Prasad, Shri B. L. Pandey and Shri Bhokhra Mahato, Timber Mazdoor. All three were fully cross examined by Shri Mahadeo Pashi. He then examined one Rasul Mia, Pump Khalasi as a defence witness. Rasul Mia merely stated that he went to Mahadeo Pashi at 5.00 A.M. in the third shift on the 14th July, 1967 and asked him to stop one pump which Mahadeo Pashi did. As this is an incident of 5 A.M., it does not negative the managements' allegation that Mahadeo Pashi was found to be sleeping at 4.00 A.M. Mahadeo Pashi examined himself also before the enquiring officer and supported his case.

8. It seems clear that the enquiring officer held the domestic enquiry in accordance with the rules of natural justice. The alleged delinquent was present and appears to have been given full opportunity not only to cross examine witnesses examined against him but also to examine his witness and himself in support of his case. It is difficult to find any fault with the enquiry.

9. Circumstantial evidence clearly proves that this is not a case of victimisation but a case in which the company's allegations are true. This is shown by the evidence of Mahadeo Pashi himself before the enquiring officer. He then stated that he was facing south when sitting on duty in the night shift of the 14th July, 1967. This shows that he was on duty. He says that he did not see any body until Bhokhra came to him and told him that the Overman and Mining Sirdar wished to see him. This leaves no doubt as to the fact that the overman and the mining sirdar had come there. Mahadeo Pashi goes on further and says that the Overman asked him why he was sleeping to which he replied that he was not sleeping and then the Overman asked whether the lamp which was with him was Mahadeo Pashi's lamp and Mahadeo replied that it was his. This makes it clear that the lamp of Mahadeo Pashi was removed by the Overman and the Mining Sirdar at a time when Mahadeo did not notice the removal. Mahadeo himself recognised his lamp while it was in the Overman's possession. Mahadeo Pashi's explanation is that the lamp was removed while he was facing south and was not facing the lamp. This explanation is unworthy of belief. The lamp sheds light. Even if he could not see the lamp, he could not help seeing its light. If the light was removed from there, he could not help noticing the darkness if he was at all awake. The very fact that, admittedly, his lamp was removed from him without his knowing that it was so removed makes it manifest that it was removed while he was sleeping.

10. It seems to me that the enquiring officer has rightly come to the conclusion in his report (Ext. M 8) that the concerned workman was guilty of the misconduct for which he was charged. The letter of dismissal (Ext. M 9) dated the 29th September, 1967 has been passed by the Director of the company and, in view of the enquiring officer's finding, the dismissal is fully justified.

11. I, therefore, hold that the dismissal of Shri Mahadeo Pashi by the management of the colliery with effect from the 29th September, 1967 was fully justified. The second question does not arise for consideration.

12. This is my award. Let it be submitted to the Central Government under section 15 of the Act.

Sd./- KAMLA SAHAI,
Presiding Officer.
[No. 2/153/67-LRII.]

ORDERS

New Delhi, the 18th November 1968

S.O. 4286.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Samla Dalurband Colliery, Post Office Pandaveshwar, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Samla Dalurband Colliery Post Office Pandaveshwar, District Burdwan, was justified in terminating the services of Shri S. K. Bhattacharjee, Medical Officer, from the 4th December, 1967. If not, to what relief is the workman entitled?

[No. 6/78/68-LRII.]

S.O. 4287.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad, was justified in refusing employment to Shri Brij Bhusan Singh, Hostel Superintendent, with effect from the 1st January, 1968? If not, to what relief is the workman entitled?

[No. 2/165/68-LRII.]

New Delhi, the 22nd November 1968

S.O. 4288.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhagatdih Rise Area Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhagatdih Rise Area Colliery, Post Office Jharia (District Dhanbad) was justified in stopping Shri Phulchand Harijan, Miner, from work with effect from the 25th March, 1968? If not, to what relief is the workman entitled?

[No. 2/139/68-LRII.]

S.O. 4289.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Balihari Colliery of Messrs Balihari Colliery Company Private Limited, Post Office Kusunda, District Dhanbad was justified in refusing employment to Shri Joyala Prasad Upadhya, Pump Khalasi with effect from the 13th April, 1968? If not, to what relief is the workman entitled?

[No. 2/194/68-LRII.]

New Delhi, the 23rd November 1968

S.O. 4290.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Huriladuh Colliery of Messrs Equitable Coal Company Limited, Post Office Disergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Huriladuh Colliery of Messrs Equitable Coal Company Limited, Post Office Disergarh, District Burdwan, was justified in terminating the services of their workman Shri Srikrishan Shao, General Supervisor, with effect from the 1st May, 1968? If not, to what relief is the workmen entitled?

[No. 2/182/68-LRIL.]

New Delhi, the 25th November 1968

S.O. 4291.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Disergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ranipur Colliery, Post Office Neturia, District Purulia, was justified in denying to give the workmen named below engaged on smithy jobs at Ranipur Colliery, the status, wages, allowances, benefits and other privileges generally available to the workmen of equivalent category in the Coal Industry?

1. Shri Sanaton Karmakar,	Blacksmith
2. Shri Mahadeo,	—do—
3. Shri Subodh,	—do—
4. Shri Gobordhan,	—do—
5. Shri Kali	Mammerman
6. Shri Ajit Dhar.	—do—

If not, to what relief are the workmen entitled and from which date?

[No. 6/77/68-LRIL.]

S.O. 4292.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad was justified in refusing work to Shri Bandhu Mian, Haulage Khalasi with effect from the 29th April, 1968? If, not, to what relief is the workman entitled?

[No. 2/193/68-LR.II].

S.O. 4293.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad, was justified in dismissing Shri A. Z. Abdi, Despatch Clerk, with effect from the 15th February, 1968? If not, to what relief is the workman entitled?

[No. 2/189/68-LR.II].

S.O. 4294.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South, West and North Jhagrakhand Collieries of Messrs Jhagrakhand Collieries Private Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of South, West and North Jhagrakhand Collieries of Messrs Jhagrakhand Collieries Private Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh) was justified in not paying the Variable Dearness Allowance on overtime work, the work done for less than 8 hours a day and with fall back wages? If not, to what relief are the workmen entitled and from which date?

[No. 7/24/68-LRRI.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 22nd November 1968

S.O. 4295.—In pursuance of the provisions of Bye-law XI(4) of the Bye-laws of the National Council for Safety in Mines, the Central Government hereby publishes the audited accounts of receipts and expenditure of the National Council for Safety in Mines for the period from the 1st April, 1967 to the 31st March, 1968 along with the Auditor's Report.

Audit Report on the accounts of the National Council for Safety in Mines, Dhanbad, for the year ending 31st March, 1968.

1. The audit of the accounts of the National Council for Safety in Mines, Dhanbad for the period from the 1st April, 1967 to the 31st March 1968 was conducted by the Accountant General, Bihar in accordance with clause XI(2) of the Bye-laws of the Council.

2. A statement of Income and Expenditure for the year 1967-68 and the Balance Sheet as on the 31st March 1968 of the Council is exhibited in the annexure to this report with the necessary certificate of audit.

3. Audit comments on the accounts:—

(i) *Income and Expenditure Accounts*:—

Rs. 29,687.00 have been debited to the "Income and Expenditure Accounts" under item "Recoverable Advances". Out of Rs. 29,687.00 a sum of Rs. 1387.00 relates to the adjustment of advances for the year 1966-67 made during 1967-68. The figure of "excess of Income over Expenditure" stands understated by Rs. 28,300.00.

(ii) *Balance sheet*:—

(a) *Assets*:—(Cash balance Rs. 11,59364.69). The details of cash balance has not been shown.

(b) *Liabilities*:—

A sum of Rs. 29,300.00 representing "Recoverable Advances" has been wrongly shown in the liability side of the Balance sheet.

(Sd.) D. JERATH, Accountant General, Bihar.
26-10-68.

ANNEXURE
NATIONAL COUNCIL FOR SAFETY IN MINES, DHANBAD

Income and Expenditure Accounts for the year ending 31st March, 1968

Dr.						Cr.
Expenditure	Rs.	P.	Rs.	P.	Income	Rs. P.
To Pay of Officers			87,208	51	By Grant-in-aid Contribution:—Current years'	
To Pay of Establishments	94,980	05				
Add on account of outstanding expenses on this account	(+)	209	87		Coal Mines Labour Welfare Fund, Bihar	[6,54,345
			95,189	92		00
Deduct on account of last year's payment made on this account	(—)	125	80	95,064	12	Mica Mines Labour Welfare Fund, Bihar
						11,680
To Travelling Allowance	27,796	35				00
To Dearness Allowance	70,037	34			Mica Mines Labour Welfare Fund, Nellore	4,064
To Medical Expenses	16,066	14				00
To Deputation Allowance	1,807	08				
To House Rent Allowance	6,995	15			Mica Mines Labour Welfare Fund, Rajasthan	3,934
To Other Allowances]	7,672	60				6,74,023
			1,30,374	66		00
Add on account of the following outstanding expenses:—					Interest on fixed deposit of Rs. 7,00,000	
	Rs.				made with the State Bank of India, Dhanbad, from time to time	18,000
Travelling Allowance	1,155	91				00
Medical Expenses	122	73			Miscellaneous	
Deputation Allowance	648	13			Sale of old news paper	194
Dearness Allowance	4,160	50			Recovery of leave Salary Advance	360
Other Allowances (OTA)	167	70	(+)	6,254	97	00
					Recovery of Private use of Office telephones	37
			1,36,629	63	Private use of Office Vehicleless	3
					Other Receipts	15,664
						16,259

Deduct on account of the last year's payments made as follows:—

	Rs.		
Deputation allowance	459·70		
Medical Expenses	70·00		
Travelling Allowance	108·80		
Other Allowances(OTA)	14·60		
Dearness Allowance	42·60		
House Rent Allowance	9·45	(—)705·15	1,35,924·48

To Other Charges—Contingencies 3,84,462·46

Add on account of the following outstanding bills—

	Rs.	
Repairing & Servicing of office vehicles	1,706·95	
Printing	5,585·33	
Shields & Cups	1,835·60	
Telephones Trunk Calls	20·50	
Advertisements	600·00	
House Rent for Office accommodation	1,959·19	
Battery Cells, Tube Lights, etc.	610·65	
Petrol, Mobil oil etc.	1,949·62	
Repairing Charges of Water Cooler	381·32	
Drawing Materials	1,171·54	
Duplicating Paper	716·65	
Fire Extinguishers	352·00	
Tent	1,556·60	
Slide Projector	1,417·90	
News papers	4·35	
Misc. Office expenses	2,202·23	22,070·43

4,06,532·89

Less capitalised as detailed below:—

Typewriters & Duplicators	1,594·29	
Furniture	8,514·46	
Stores & Equipments	38,211·04	
Safety films produced by NCSM	1,01,259·56	
Books	1,998·07	
Audio-Visual Exhibits and Models	10,012·80	(—)1,61,590·22
		2,44,942·67

Dr.

Cr.

Expenditure	Rs. P.	Rs. P.	Income	Rs. P.	Rs. P.
To Leave Salary & Pension contribution .			19,881.99		
To Council's Contributions to G.P. Fund .			6,528.00		
Recoverable Advances 1966-67	1,387.00				
1967-69	28,300.00		29,687.00		
To add on account of depreciations on the past years' assets as follows:—					
Carpet @ 10% on Rs. 157.46		15.75			
Typewriters & Duplicators @ 20% on Rs. 8,786.94		1,757.40			
Books @ 5% on Rs. 920.95		46.05			
Stores & Equipments @ 10% on Rs. 2,22,965.47		22,296.55			
Furniture @ 5% on Rs. 14,612.93		730.65			
Publicity vans @ 20% on Rs. 2,37,877.26		47,575.46			
Audio-Visual Exhibits & Models @ 2.5% on Rs. 37,099.11		927.48			
Films @ 20% on Rs. 2,490.92		498.18	73,807.52		
Excess of income over expenditure			15,237.71		
TOTAL		7,08,282.00	TOTAL		7,08,282.00

Sd/-
Accounts Officer,
Bihar.

Sd/- Director,
National Council for Safety in Mines.

NATIONAL COUNCIL FOR SAFETY IN MINES, DHANBAD

Balance Sheet as on 31-3-68

Liabilities	Rs. P.	Rs. P.	Assets	Rs. P.	Rs. P.
<i>Capital Fund</i>			Cash Balance		11,46,679.29
<i>Past Years—</i>	17,40,470.52		Add on account of sale proceeds of the following Books & Publications	12,103.90	
Excess of Income over expenditure	15,237.71	17,55,708.23	Gramophone Records	581.50	12,685.40
Sundry creditors for stores & equipment		3,326.50	Assets:		
<i>Outstanding Expenses:—</i>			Past Years:		
Arrear Pay of Establishment	209.87		Cycle	157.46	
Travelling Allowance	1,155.91		Less depreciation	(—)15.75	141.71
Medical Expenses	122.73		Typewriters & Duplicators	8,786.94	
Deputation Allowance	648.13		Less Depreciation	(—)1,757.40	7,029.54
Dearness Allowance	4,160.50		Books	920.95	
Other Allowance (OTA)	167.70		Less Depreciation	(—)46.05	874.90
Cost for repairing and servicing of office vehicles	1,706.95		Stores & Equipments	2,22,565.47	
Printing	3,585.33		Less Depreciation	(—)22,256.55	2,00,308.92
Shields & Cups	1,835.60		Furniture	14,612.93	
Telephone Trunk Calls	20.50		Less Depreciation	(—)730.65	13,882.28
Advertisements	600.00		Publicity Vans	2,37,887.26	
House Rent for office accommodation	1,959.19		Less Depreciation	(—)47,575.46	1,90,301.80
Battery Cells, Tube lights etc.	610.65		Audio Visual Exhibits and Models	37,099.11	
Petrol, Mobil Oil, etc.	1,949.62		Less Depreciation	(—)927.48	36,171.63
Repairing Charges of Water Cooler	381.32				
Drawing materials	1,171.54				
Duplicating Paper	716.65				
News Paper	4.35				
Misc. Office Expenses	2,202.23	25,208.77			
Recoverable Advances		28,300.00			

Liabilities	Rs. P.	Rs. P.	Assets	Rs. P.	Rs. P.
			Films		
			Less Depreciation . . .	2,490.92 (—)498.18	
				1,992.74	
			Books & Publications . . .	19,987.23	
			Less disposed of . . .	(—)12,103.90	7,883.33
			Gramophone Records . . .	5,283.24	
			Less disposed of . . .	(—)581.50	4,701.74
					4,63,288.59
			<i>Current years</i>		
			Type-writers & Duplicators . . .	1,594.29	
			Furniture . . .	8,514.46	
			Stores & Equipments . . .	38,211.04	
			Safety films . . .	1,01,259.56	
			Audio Visual Exhibits and models . . .	10,012.80	
			Books . . .	1,998.07	1,61,590.22
			Recoverable Advance . . .		28,300.00
			TOTAL . . .		18,12,543.50

I have examined the forgoing accounts of the council. I have obtained all the information and explanation that I have required and subject to the observation in the Audit Report and separate Audit notes, I certify as a result of my audit that in my opinion these accounts are properly drawn up so as to exhibit a true and fair view of the state of affairs of the council according to the best of my information and explanation given to me and as shown by the books of the council.

Sd/-
Accountant General, Bihar
26-10-68

(Sd/)
Director,
National Council for Safety in Mines.
[No. 30(29)/68-MI.]
J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 25th November 1968

S.O. 4296.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, and in supersession of all the notifications of the Government of India relating to entrustment of its functions to the State Governments regarding fixation of minimum rates of wages under the Minimum Wages Act, 1948 (11 of 1948), and the review and revision of the minimum rates so fixed, in respect of employees engaged in stone breaking or stone crushing operations carried on in any mine or quarry, the President hereby entrusts to the Governments of the States of Bihar, Maharashtra, West Bengal, Punjab, Madhya Pradesh, Uttar Pradesh, Orissa, Kerala, Madras, Nagaland, Haryana, Mysore, Rajasthan, Assam, Andhra Pradesh and Gujarat with their consent, the functions of the Central Government under the Minimum Wages Act, 1948 (11 of 1948), in so far as such functions relate to the fixation of minimum rates of wages under the said Act and the review and revision of the minimum rates of wages so fixed, in respect of employees engaged in stone breaking or stone crushing operations carried on in any quarry situated within their respective States.

Provided that notwithstanding this entrustment, the Central Government may itself exercise the said functions either generally or in any particular case or class of cases.

[No. LWI-I-2(1)]66.

C. R. NAIR, Under Secy

